

1 STATE OF TENNESSEE  
2 TENNESSEE EMERGENCY COMMUNICATIONS BOARD  
3 DEPARTMENT OF COMMERCE AND INSURANCE  
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10 BOARD MEETING

11 July 16, 2004

12 Transcript of Proceedings  
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21

22 Cannon & Stacy  
23 Court Reporters  
24 Denise Harwood-Stacy  
25 117 Arrowhead Drive  
Hendersonville, Tennessee 37075  
(615)822-9382

1 BOARD MEMBERS PRESENT

2 Mr. Randy Porter, Chair  
Ms. Wanda Moody, Vice Chair  
3 Mr. Charles Bilbrey, Member  
Mr. Ike Lowery, Member  
4 Mr. Freddie Rich, Member  
Mr. David W. Purkey, Member  
5 Ms. Katrina Cobb, Member  
Mr. Johnny Vickers, Member

6

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BOARD MEMBERS NOT PRESENT

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Mr. Tom Beehan, Member

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STAFF MEMBERS PRESENT

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Mr. Anthony Haynes, Executive Director  
12 Mr. J. Don Johnson, Auditor  
Ms. T.J. Revis, Administrative Assistant  
13 Ms. Lynn Questell, General Counsel

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1 CHAIR PORTER: We'll call the meeting to order of  
the

2 July 16th, 2004, Tennessee Communications Board. I'd like to welcome  
each and

3 every one of you this morning, especially you visitors in the  
audience. Let the record

4 show that we have a new board member with us this morning, Ms.  
Katrina Crawford.

5 We're glad to have you with us. Cobb. Katrina Crawford-Cobb. Me  
and Anthony,

6 we'll have problems with that, won't we.

7 MEMBER COBB: Katrina Cobb will be fine.

8 CHAIR PORTER: It's good to have you with us.

9 MEMBER COBB: Thank you very much.

10 CHAIR PORTER: If at any time, being a new member,  
and

11 there's something that we may have been working on for a year or two,  
ask questions

12 if you've got questions or concerns, we'll backtrack and get you  
caught up to date.

13 MEMBER COBB: Thank you.

14 CHAIR PORTER: Let the record also show that the  
only

15 board member I think we have absent is Mr. Tom Beehan. And he asked  
that I give

16 his apologies, his work would not allow him to be here today, he had  
a meeting he

17 had to be in. And he sends his apologies.

18 All the other members are present. And we'll move  
on to

19 our agenda this morning.

20 One thing I'd like to say first is, I'm also the  
MS director in

21 my county and I was working an auto accident yesterday and I lost my glasses. So I

22 had to go back to a pair from about four or five years ago. So, Miss Wanda, if I call

23 you Anthony -- if I say something out of the way I'm going to blame it on my glasses.

24 Let's see, the first item on the agenda this morning --

25 MEMBER PURKEY: Mr. Chairman, if I could note for the

1 record your reappointment to the board by the Governor. And let me just say that's

2 one of the smartest things that he could have done. We're very please with that. It's

3 good to have you for four more years.

4 CHAIR PORTER: Thank you, David, I appreciate that. And

5 I want to say for the record, too, that I appreciate the Governor reappointing me. And

6 I've enjoyed working on this board, I guess more than any board, any I've ever been

7 on in my career. And I'm very thankful to him. And I hope you-all will put up with me

8 for another four years, hopefully. And I enjoy working with each and every one of you.

9 I was glad to be reappointed. And I appreciate your support.

10 Okay, Anthony, what we've got as the first item, your

11 executive director's report.

12 Oh, did I -- excuse me, okay, there's my first mistake.

13 We have not anything on purpose, but with the

14 reappointments and stuff coming up kind of just delayed us a little bit, the election of

15 the chairman, we're supposed to that every two years.

16 One thing I'd like to say to the members, I've enjoyed

17 serving as your chairman. I tried to do the best job that I possibly could. I hope that

18 you feel like I have done a good job. But we need to elect the chairman for the next

19 two-year term.



20 I will be glad to leave the room and let you-all  
discuss that if

21 you feel -- so desire. It wouldn't bother me one bit. If you want  
to elect me back, that

22 would be great; if you don't, that won't hurt my feelings either, I  
still just want to be on

23 this board. So I'll do whatever the will of the board is.

24 MEMBER MOODY: Mr. Chairman, I'd like to have the  
floor,

25 please.

1 I'd like to nominate Randy Porter and elect him  
the

2 acclamation. Randy's done an outstanding job, not only chairing  
these meetings, but

3 being available to Anthony to discuss issues and also being available  
to local PSAPs

4 to deal with issues. And frankly, I think this board would be lost  
without him. I so

5 move to that affect.

6 MEMBER VICKERS: Second.

7 CHAIR PORTER: I have a motion and a second.

8 Discussion?

9 For the reporter, Ms. Wanda made the motion, got a  
second

10 sitting right beside of you.

11 Any discussion?

12 All in favor say "aye."

13 THE BOARD: Aye.

14 CHAIR PORTER: All opposed like sign.

15 Motion carries.

16 I appreciate that, Ms. Wanda. And I appreciate  
your

17 confidence that you have in me. And I will do my very level best not  
to let you down.

18 Okay. The next item is the executive director's  
report.

19 Anthony.

20 MR. HAYNES: Thank you, Mr. Chairman. And I'll  
try to

21 keep this short.

22 But an update on Phase II implementation, PSAP  
readiness

23 remains the same since the last report. We only have four ECDs to  
remain off line.

24 We've had a little regulatory glitch with Hancock County, but we're  
still working with

25 the Federal Communications on that.

1                               Regarding the PSAP readiness, Bledsoe, Grundy,  
2   Van Buren, and Sequatchie, since your last meeting, we not only have  
held site --

3   staff has held site visits and worked with all parties involved and  
the stakeholders

4   involved in that four-county area, but, Mr. Chairman, I'm pleased to  
report there's

5   been substantial progress. And it's been done locally. I'd love to  
be able to sit here

6   and say that staff was the one who really helped make a difference in  
this situation,

7   but it's just a classic example when, quote, people committed working  
together can do

8   things leaps and bounds better than anyone else coming in and trying  
to help do it for

9   them.

10                           What I have tried to do, Mr. Chairman, is to  
provide all the

11   potential level of support that we could. I have talked to  
representatives of each one

12   of the four districts, either the director or maybe a chairman  
involved with those

13   districts over the last couple of months, a couple three different  
times, and let them

14   know the board is here to help, but we'll also be glad to stay out of  
the way and let

15   them do what works best with them. And I've been very pleased with  
what's gone on

16   so far.

17                           With Bledsoe, we received an invitation to join  
them for an

18   open house this coming Thursday. The equipment was being installed  
at the time of

19 this report to you. And the MSAG is complete. And the activation should occur,

20 actually, on Tuesday, July the 20th, if all goes well. So the staff plans to join them for

21 this very wonderful event coming up next Thursday.

22 Grundy County also is having equipment installed on

23 Monday. And had to cease due to a power supply problem. Some of the storms

24 moving across the state knocked -- hit some of the counties harder. And I talked to

25 Lou Boulden, the county executive down there, and he informed me that the

1 telephone company and the electric company were having to do power supply. I think

2 they might have had to go to either a II Phase or III Phase type system for the PSAP.

3 Had to fix all of that and work on restoring the power and service throughout the

4 county.

5 So that set them back. But the county mayor tells me that

6 they're probably a good hard day's work from being complete. But their goal is to

7 have that system online very soon.

8 Sequatchie County is probably the only one that has

9 incurred a little bit of delay due to the lack of vacancy of the facility that they're

10 supposed to occupy that's being turned over to them from the Board of Education.

11 There are a number of changes in Sequatchie County, the newly appointed county

12 mayor is going to put forward, I think three new ECD board members. And those

13 confirmations are expected next Monday evening by the County Commission. The

14 ECD is also hiring a full-time director.

15 And hopefully, once they can begin to the building vacated

16 where they're actually supposed to set up the centralized dispatch, things will start

17 moving ahead there. We had a very pleasant visit, a very good visit with them. We're

18 very happy with the progress that they've made.

19 Van Buren County, the equipment installation also began on

20 Monday. The MSAG is currently 60 percent complete. And they hope to  
be fully

21 completed with installation and activated service no later than  
August 1, but hopefully

22 as early as maybe sometime within the next few days.

23 The carrier status, Yorkville Telecommunications,  
a co-op

24 from West Tennessee has deployed Phase II in all but one of its  
counties, Weakly

25 County, where they have a unique problem that they're working with  
TCS and some of

1 the equipment vendors, I think, with the PSAP. The importance of Yorkville

2 Telecommunications is that it will be the last -- excuse me. It will be the second of

3 three carriers, Tier III carriers, which is, as you know, Mr. Chairman, all are appealing

4 for -- Tier III carriers are appealing for a FCC waiver or some sort of exemption of the

5 Phase II Location Act as it stands from the Federal Telecommunication Division. And

6 we always like to hold up not only Advantage Cellular, but also the work of Yorkville.

7 They took a solid waiver. They rolled up their sleeves.

8 They tried to work this thing out. They put the customers first instead of listening to

9 what the lawyers were whispering in their ear about regulatory relief. And I'm just --

10 I'm just proud to admit that. And I used these two examples everywhere I go around

11 the country of noting, yes, there are some areas in the nation that you will not be able

12 to achieve the location standards, but you will never be able to achieve it unless you

13 do like the Advantage and Yorkville has done and roll up your sleeves and just try to

14 do it.

15 So we commend those two carriers, especially given their

16 Tier III designation by the FCC.

17 We continue to work with all parties involved with

18 congressional E-911 legislation. It basically seems like that it is stalled currently



19 because of a number of other things. And it looks like the NENA  
votes in Washington

20 are having to spend a considerable amount of time on Voice Over IP  
legislation in

21 case it moves to some extent prior to this session of Congress.

22 The annual report was transmitted to the Governor  
in June.

23 We have also met with TACIR representatives, including Executive  
Director Harry

24 Green. We've had some very good meetings regarding the TACIR study  
that's due in

25 two years with the legislature about the future of 911.

1 I met on June the 7th with the Dispatch Standards  
Advisory

2 Committee that's developing recommendations for you to adopt and put  
into

3 regulations regarding the unique responsibilities that happened about  
a year ago in

4 that area. We hope to have him before you at the September board  
meeting or the

5 next board meeting, whenever that may be, to make their report to you  
so the board

6 can potentially take action and regulations can be set forth on  
those.

7 We have awarded our technical consultant contract,  
or I

8 should say the RFP process was awarded to Kendall and Associates.  
That was a

9 contract formally held by Rex Hollaway and associates. And we also  
have two other

10 RFPs underway, one for webcasting of our meetings and the other one  
for developing

11 a 911 technical standard for the State of Tennessee, which I think  
actually will be here

12 pretty soon.

13 I was invited to participate in the NENA  
convention,

14 Mr. Chairman, on the panel debating some of the rural carrier issues,  
as well as

15 meeting -- following that meeting, meeting the president Bill  
McMurray, asked me to

16 serve as chairman of NENA's Legislative and Regulatory Committee.  
And I

17 appreciate your support in permitting me to do that, as well as the  
Board's

18 encouragement.

19  
situation in

One last thing I would like to cover is the

20 Hancock County. Since the last board meeting, I was contacted by the  
deputy bureau

21 chief of the Wireline Bureau of the FCC, Jeff Carlisle, who has spent  
a number of

22 months -- or I should say a number of weeks and months trying to get  
appropriate

23 information from BellSouth regarding their side of the story and what  
their

24 recommendations are and why they felt like they could not work with  
some of our

25 recommendations on how to resolve the dilemma facing 65 residential  
lines in

1 Hancock County served by Scott County Telephone Co-op out of  
Virginia.

2 We were told, Mr. Chairman, that if, basically,  
BellSouth

3 were willing to join the TECB in a forbearance request that that  
would be looked upon

4 very favorably by the FCC Wireline Bureau. BellSouth declined in  
doing that.

5 First of all I should say, I want to compliment  
the BellSouth

6 people, like Dave Gleason, who worked very hard with us to try to  
come up with some

7 sort of resolution. And he works for a company and has to do what  
that company

8 wishes to do.

9 And I'd also like to compliment the Washington  
office of

10 BellSouth, some of the friends I have there from my time in  
Washington, especially

11 their vice -- the vice president of congressional affairs, Hershel  
Avin (phonetically), I

12 think they've done about all they can do to try to work with us. It  
appears,

13 Mr. Chairman, that the word out of Atlanta, so to speak, is that  
they're just not

14 interested in working with this.

15 So the only way that I know to resolve this, Mr.  
Chairman,

16 and I wanted to go ahead and say it in a public meeting and before  
the board just so

17 that you know what we're doing and not acting on our own this far, is  
that the

18 appropriate action appears to be to request the FCC to order  
BellSouth to work with

19 us in resolving this matter in the manner that we had suggested to  
them. And that is

20 at some common point in Hancock County where we know the  
infrastructure and a

21 point of contact would be less than one mile -- as a matter of fact,  
I think it's actually a

22 few yards just to connect it later -- instead of using, as the FCC  
rules are, that they

23 want us to seek a forbearance of, using a third party inter-exchange  
carrier and then

24 paying 80 something -- 80, 81 trunking tariff -- tariff trunking  
miles down to a selected

25 router in Knoxville.

1                               This would be the difference of, if you took that approach,

2     the cost per service, per line, per month, would be approximately \$30 per person per

3     line, as oppose to something more in line and cheaper than if we were to connect

4     there in Hancock County. The only reason that the prior has to be used, the third

5     party exchange carrier connecting in Knoxville is because of the FCC rules governing

6     inter-lateral transfer of calls and working through -- to your phone companies. The

7     FCC is willing to say it was never our intention that that be used as an impediment to

8     deliver people reasonably, modern 911 service.

9                               So that's the action that we're going to take. Unless I hear

10    any opposition from the board, we will follow through on that following this meeting

11    next week.

12                               Mr. Chairman, that concludes my executive director's report.

13    I'll be glad to answer any questions at this time.

14                               CHAIR PORTER: Are there any questions of Anthony?

15                               Hearing none. Anthony, do you want to talk about the

16    parking just for a second?

17                               MR. HAYNES: Yes, Mr. Chairman. I apologize, I meant to

18    start off with that.

19                               The people that wish to come to the ECB proceedings here

20 in this building, and even as members know that parking is a very scarce commodity

21 on this side of town. In the past, I understand from the park police from the

22 Bicentennial Mall here, that a number of 911 folks and official vehicles, some not, are

23 parking in restricted parking areas for the park. In the past that was always, like, well,

24 we're all reverend in law enforcement and public safety, we'll try to accommodate.

25 But due to the demolition of the building next door to us it

1 has really put a strain on some of the parking. And also given the time of year, a lot

2 of families with their children, a lot of international guests in the State of Tennessee

3 have been having to park extreme distances at certain times when our meetings are

4 here at the department. They didn't single out this board or its meetings, as you

5 know, there's 20 some odd boards and commissions that meet in this room.

6 And so they have asked for our support and cooperation just

7 to inform the guests that if you are parked in restricted parking along the Bicentennial

8 Mall or in the Farmer's Market area that you may wish to move your vehicle to avoid

9 being -- getting cited for violation over to the 8th Avenue, James Robertson Parkway

10 paid parking area.

11 So I just wanted to announce that in case someone may be

12 parked over there to possibly avoid a ticket.

13 CHAIR PORTER: The next item on the agenda is to

14 consider a request for information on obtaining a dedicated infrastructure network for

15 emergency communications in Tennessee.

16 MR. HAYNES: Mr. Chairman, one of the things that --

17 through the National Association of State 911 Directors NASDA, there has been a

18 growing interest among state types, my colleagues, as well as some individual

19 locations, such as the Greater Kansas City 911 operation, the District of Columbia,



20 and a few other localities around the country, where due to the ageing, and I guess I

21 would say, more and more outdated infrastructure of the local exchange carriers, the

22 dedicated network that delivers the data and voice of 911 calls, more and more 911

23 entities, state and local, are looking to either bill or commission or at least have some

24 form of control over the 911 network.

25 And it's not a matter of Government control, it's a very

1 practical matter, in that as more and more enhancements that  
technology allows us to

2 do, with cell phone data and landline data, can be available to the  
PSAP, if your

3 gateway to that PSAP through the leg is 40-year-old technology and  
30-year-old

4 infrastructures, you may very well be limited in what you're able to  
do for the PSAP in

5 things very simple such as call competence level of the wireless  
call. Data that some

6 wireless carriers are providing to PSAPs today. In our BellSouth  
territory that call

7 data is not available because the data fields are full. And this is  
something that we

8 have raised with BellSouth for two years or more now.

9 And looking at it from a market perspective as  
opposed to a

10 Government perspective, there's less and less of an economic  
incentive for the local

11 exchange carriers to make substantial investments in that dedicated  
E-911 network.

12 There are no longer monopolies. There are no profit centers other  
than just tariff fees

13 for 911. And those are not real moneymakers for the company given  
the competitive

14 business of wireless, Voice Over IP, and even some limited wireline.

15 So I think we've got to put it in perspective, Mr.  
Chairman,

16 where we are and where the telecommunication industry is going in  
terms of its

17 competition. And is that going to yield a business plan that gives  
some incentive, for -

18 - in the State of Tennessee for Sprint, Citizen, or BellSouth to make  
substantial

19 millions of dollars, tens of millions of dollars investment in that  
to be used for

20 regulatory compliance measures. And we all know that when that  
happens usually

21 we're at the mercy of a regulatory body such as the FCC to determine  
what our

22 destiny is as opposed to doing that ourselves.

23 We have been approached by no fewer than four

24 companies that would be interested in talking to the State of  
Tennessee about such a

25 dedicated network. And what I would like to do, Mr. Chairman, before  
we go on the

1 bar here, I want to waive on the side of caution of all the requirements of RFPs and

2 contracting, and I've told all of these companies that have contacted us, I don't want

3 to see or hear any more until I get a blessing from the board to gather more

4 information. And I think the appropriate and correct way to do that is through a

5 process that exists in state government called "Request for Information."

6 And so what the staff would like to do is to get your

7 authorization to issue a Request for Information to explore whether or not that this fits

8 our needs, if it would good for the State, if it would good for 911, how it would be -- if

9 it's justifiable. It's been approached by almost every company that says we think we

10 can do it collectively with the State. Because as you know, Mr. Chairman, every 911

11 center pays a tariff of about \$150 for a thousand bundle of lines. These companies

12 have been telling us when you look at the overall cost of 911 as a whole in this state,

13 they feel like they can do it cheaper and sometimes at a half of the cost.

14 So I feel like it's warranted that we at least gather

15 information of whether or not we should -- as we did in 1984, as we did in 1998, and

16 maybe again in 2004 and 2005 take the beginning steps to continue to be a national

17 leader in E-911 given the peak, rapid evolution of technology.

18 So the staff would recommend this morning the board

19 authorize them to issue a Request for Information to obtain  
additional information and

20 bring it before you.

21 CHAIR PORTER: You've heard the request from the  
staff to

22 obtain a RFI. Do I hear a motion?

23 MEMBER PURKEY: So moved.

24 CHAIR PORTER: Motion from Mr. Purkey. Do I have  
a

25 second?

1 MEMBER BILBREY: Second.

2 CHAIR PORTER: Second from Mr. Bilbrey.

3 Any discussion?

4 I've been watching kind of closely the State of  
Montana,

5 they're in this process of doing this also, they actually put out an  
RFP and that's what

6 they awarded sometime around the end of August. So I think that  
would be one to

7 closely watch and see how it works there.

8 Any other discussion?

9 All in favor say "aye."

10 THE BOARD: Aye.

11 CHAIR PORTER: All opposed like sign.

12 Motion carries.

13 Next item is the request to consider creating two  
staff

14 positions, a director of technical services and an accounting  
manager.

15 MR. HAYNES: Mr. Chairman, two years ago the  
General

16 Assembly authorized two additional positions that have remained  
unfilled for the ECB.

17 And what I would like to do at this time, given what we have seen in  
terms of a

18 growing number of technical issues, most of it related to Phase II,  
some of it, I think, is

19 going to double given the latest letters that a lot of PSAPs have got  
from Voice Over

20 IP providers, such as Verizon and AT&T and others -- I know Tom  
Warners is looking

21 at doing something very similar in Memphis. That we're getting to the point, Mr.

22 Chairman, that we need a staff position of someone that has some significant level of

23 technical expertise that not only can assist the board in its work with carriers and cost

24 recovery and technical issues, but also help the position of the board and the state

25 and the PSAPs of where we need to be in this evolving telecommunications industry

1 of Voice Over IP and wireless and maybe other devices that we can't even think of

2 right now.

3 And also, Mr. Chairman, as you know, one of the

4 authorizations -- or one of the mandates of the statute, one of the reasons that this

5 board was created was to provide assistance, technical assistance to the 911

6 districts. 911 districts are usually in the position to hire attorneys. They're in the

7 position to hire CPAs. They can usually hire most any services they need. But they

8 could literally break the bank on some of the technical challenges that face them that

9 are imposed from the interface of wireless and landline 911 and dealing with the

10 equipment and things that they have to worry about in the PSAP.

11 And I'm not -- we just -- we've relied on these type of

12 services in the past through technical contracts or through consulting contracts. The

13 last one we did with Kendall and Associates were -- received the award from the

14 committee. If you look at the potential cost liability from that, it is substantial.

15 Substantially more than our past contracts, and substantially more than I think is

16 really what we want to get into.

17 I don't want to create the impression with this board or the

18 public that if we were to create a technical -- or a technical -- a director of technical

19 services position on this staff, that it would always eliminate the need to hire some



20 other additional technical consulting services. As a matter of fact,  
I would think we're

21 probably going to see the day you're going to need both. But the  
technical services

22 that you contract out-of-house would be used for very unique needs  
and situations

23 and technical challenges that are posed.

24 Because what we're seeing is Tennessee being a  
national

25 leader and one of the first states to deploy, as widespread as we  
are, is diversity.

1 You know, we're not running from one PSAP at the state highway patrol and do the

2 whole thing, like some states do. We've kind of been the guinea pig in this state with

3 just about anything that happened wrong and deploying and getting off and running to

4 Phase II. And our problems are very diverse.

5 And, Mr. Chairman, you know, for a fact, we've spent

6 countless hours on the phone with wireless engineers, with folks like PCI and PCS,

7 you name the company, we've spent countless hours on the phone with their

8 engineers trying to figure out what has happened, what went wrong, and how do we

9 fix it, and how do we keep it. To the point that that's one reason that you-all permitted

10 me to get a technical inventory of all PSAPs. Because when those types of problems

11 occur in the future and they were certain types of equipment or certain types of

12 interphase, maybe we could save some PSAP directors a headache and call the ones

13 that has the same equipment, the same scenario, and say you better look for this or

14 your system may crash too.

15 So what I want to propose today is the creation of this

16 director of technical services. We already have a spot. It will not take legislative

17 approval. They've already approved us for this. We can work easily with the

18 Commissioner of Finance Administration, David Goetz, on establishing the necessary

19 budget authority. Since you're a select revenue fund, that is not a problem. And I

20 think in the end, Mr. Chairman, this is probably one of wisest things we can do and we

21 can have someone on staff, so to speak, who looks at these things, if other technical

22 services are needed to be directed out, they could direct that program.

23 And then shifting down to the money that moves through this

24 organization, I also believe it would be prudent if we were to beef up the human

25 resource area of the accounting area. And by that I would propose creating an

1 accounting manager. Now, this is nothing that I necessarily thought  
up, this was

2 actually brought to my attention by the budget and fiscal director of  
this department in

3 that we handle as much money through the 911 board -- or excuse me.  
We handle

4 almost double the money in the 911 board of what the 21 boards and  
commissions at

5 the Department of Commerce handles combined.

6 So it puts a lot of workload on the budget shop of  
this

7 department. Someone at this level, like an accounting manager, could  
provide great

8 assistance to the budget shop downstairs with the Department. And we  
have the

9 position. And I think it could also help us in ensuring that we do  
things right, help us

10 with our financial planning. Because we have a lot of things up in  
the air right now.

11 We don't know what the future of 911 funding is going to be in terms  
of what role the

12 wireless company is going to collect it on. We don't know what kind  
of role we may be

13 shifting to with Voice Over IP.

14 And if any of that changes, we can too. But  
today, the laws

15 on the books, the way it's written, I have to work with regulations  
of the FCC that's on

16 the books, and they're not going -- they're not going to stop doing  
business or change

17 the way they do business based on any study that a governmental  
organization is

18 doing.



1 an accounting manager. What's the will of the board?

2 MEMBER BILBREY: I'll make that motion.

3 CHAIR PORTER: I have a motion from Mr. Bilbrey.  
Do I

4 have a second?

5 MEMBER VICKERS: Second.

6 CHAIR PORTER: Second by Mr. Vickers.

7 Any discussion?

8 MEMBER BILBREY: One question there, are these two  
--

9 the accounting manager, I'm sure we have position specs and all that  
for it, but the

10 other, the technical services, will you help us create that one?

11 MR. HAYNES: Yes, sir. That will have to be  
established by

12 Department personnel.

13 MEMBER BILBREY: And both of them, even the  
accounting

14 manager is going to be a little bit -- they'll probably want some ECB  
help there

15 because they've got them all over the states. So I'm not sure --  
anyway, we need to

16 look at both of those and create the right specs.

17 MR. HAYNES: Mr. Bilbrey, what I was going to  
propose is

18 that -- is what I wanted to do, before I stepped out, get your  
blessing to do this, and if

19 you decided it wasn't the right thing to do, respect that. But if  
you-all would authorize

20 us to seek those, I would work directly with, and as I would have to,  
with the

21 Commissioner of Finance and Administration, as well as the Department  
of --

22 Commissioner of Personnel to find out, not only what this would be as  
a potential cost

23 to the board in its annual budget and what that would increase the  
board's operating

24 expenses to, but also any other considerations based on regulations  
that would have

25 to be considered in a staff position.

1 I didn't want you to think that I was just coming  
here today

2 and asking for a request. If you-all bless us to move in this  
direction, I'll work directly

3 through the Commissioner's office to get you more data to make a  
well-informed

4 decision on everything, from the cost. And if at that point, if  
you-all choose to move

5 forward, with your blessing we'll do so.

6 MEMBER MOODY: What effect will the -- setting up  
of this

7 technical director position, what effect will that have upon the  
existing contract that's

8 been awarded to Kendall?

9 MR. HAYNES: None whatsoever. What we see here,  
in

10 terms of how the working relationship would be, it could potentially  
minimize the

11 ultimate cost. And the round figures that I got from the budget shop  
downstairs, the

12 Fiscal and Commissioner's office, was that, potentially, this  
contract costs the ECB a

13 half a million dollars over a two-year period.

14 With Kendall & Associates, currently, they do not  
have a

15 Tennessee presence. So naturally wherever their designated person  
is, they have to

16 come from out of state down to our state, and there's some cost to  
that, whether they

17 drive or if they fly or if they hop a boxcar. So, there are some  
potential costs there

18 that could be minimized.

19 Also, too, the way we got to using our past  
technical service



20 person, that as long as it's within the contract and the scope services, we were glad to

21 offer those to any ECD that might be having problems to try to help the cause, so to

22 speak, and saving them from having to go and paying for somebody to come in, and

23 sometimes, too, to try to relieve some of the frustrations that the PSAP director had

24 trying to work with the wireless companies and their equipment. Everybody is

25 pointing fingers at somebody else and the PSAP director is caught in the middle, and

1 they don't know what to do. And that's where we came in, we found out what was

2 wrong, whether it was the telephone company or an equipment vendor and tell the

3 PSAP director what needed to be done to solve the situation.

4 So I think it could potentially save the board money, long

5 term. I think it could provide an immediate source of expertise for you, as well as the

6 districts as they dwell on.

7 And, of course, if we have an employee in that position I

8 wouldn't be limited or sensitive to, oh, I can't send them to Gibson County because

9 we'll bust our budget, so to speak, or that's not in the scope of services, what Tipton

10 County may need -- may need help in trying to resolve their problem.

11 So I think it's better for us all the way around, and that's why

12 we bring it before you.

13 MEMBER MOODY: Are you saying, then, that the contract

14 for Kendall & Company is flexible enough that once we get an in-house staff person

15 that we can use the in-house staff person to deal with any of the issues that that

16 person has the expertise to do and then you can mingle out and use the contract,

17 outside contract wherever you have unique situations and you needed to?

18 MR. HAYNES: That would be my desire.

19 And I know that's not what Kendall or any other company wants to hear. I've worked

20 enough in Government to know how these things work. I've worked on a  
Government

21 contract before. There's a whole economy in Washington and across  
the country and

22 around the 911 community built around that.

23 But I do know of specific things that we might  
encounter in

24 this state as time goes on that a very high level of expertise and  
someone with a

25 national perspective would be very advantageous not only for the  
board but then also

1 for the local 911 districts. But when it's something as small as  
some of the matters

2 like we've had in Perry County or Decatur County, or any other --  
none of the counties

3 come to mind -- it just doesn't seem like the most prudent business  
decision or

4 budgeting decision to spend an enormous amount of money to bring  
somebody in to

5 go over and tell somebody, oh, what you really needed to do, you  
know, you have to

6 wait 10 seconds before you redo the Phase II data. And we've had  
that a lot.

7 MEMBER MOODY: I was just concerned in terms of

8 assuring that we wouldn't have some duplication here as a result of  
that contract.

9 MR. HAYNES: Absolutely.

10 MEMBER LOWERY: Is it appropriate -- before our  
county

11 manager description, or whatever it is, that we're developing, that  
the staff would pass

12 that back to Mr. Bilbrey, just so it runs through him.

13 MR. HAYNES: Sure. We'll actually run -- we'll  
use the

14 template issued by the Department of Personnel for that position.  
And it may be that

15 the Commissioner of Personnel and the Commissioner of Finance decides  
we think

16 it's more appropriate for you to have the next level, which is an  
Accountant III, as

17 opposed to an accounting manager. We have to yield to those type of  
decisions

18 made by the two commissioners. But I'll be glad to do that.

19 CHAIR PORTER: Other questions?



1 fantastic job. I just hear all over the state, everywhere we go, how  
great a job that

2 Rex has done, how helpful he's been. I know he is -- he's been worth  
many more

3 times what his contract is.

4 And we appreciate what you've done, Rex. And  
hopefully,

5 we'll work with you in the future on some other stuff.

6 Okay, next item, Anthony, I guess, is consider  
adopting a

7 policy on the uniform calculation of the 911 cards on the T1 and PRI  
circuits.

8 MR. HAYNES: Mr. Chairman, as you know, the staff  
has

9 worked extremely hard over the last two years to try to help the  
districts ensure that

10 they get their local 911 fees, from everything to competitive local  
exchange carriers to

11 those things that should reasonably be imposed on high capacity  
lines, such as T1s

12 and PRI circuit lines. And we've received pretty good support from  
the industry in

13 doing that. They see the law as we do. So what I would like to do,  
just formalize this

14 a bit more, at the recommendation of counsel, is get you to adopt  
proposed Policy No.

15 23. At this time I'll ask General Counsel to read that into the  
record.

16 MS. QUESTELL: Thank you.

17 "The calculation of emergency telephone service  
charges

18 on T1 and PRI circuits by local exchange carriers is far from  
uniform, resulting in

19 possible competitive disadvantages in the marketplace. Inasmuch as  
the use of the

20 emergency telephone service charge as a competitive tool contravenes  
public policy,

21 the Tennessee Emergency Communications Board interprets Tennessee  
Code

22 Annotated 7-86-108(a)(1)(A) as authorizing the imposition of such  
charges on each

23 line in T1 and PRI circuits that can transmit a telephone call.  
Tennessee Code

24 Annotated 7-86-108 authorizing the imposition of the emergency  
telephone service

25 charge on, quote, exchange access facilities, end quote. Tennessee  
Code Annotated

1 7-86-103(b) defines "exchange access facilities" as follows:

2 "Exchange access facilities means all lines,  
provided by the

3 service supplier for the provision of exchange telephone service, as  
defined in

4 existing general subscriber services tariffs filed by the service  
supplier with the

5 Tennessee Regulatory Authority.

6 "The board interprets this language to reach "all  
lines" used

7 to provide exchange telephone service. In the case of a T1 circuit,  
this would include

8 each of the 24 lines available to the subscriber that can transmit a  
telephone call and,

9 as to the PRI, each of the 23 lines used for telephonic purposes that  
are available to

10 the subscriber."

11 MR. HAYNES: Mr. Chairman, the staff recommends

12 adoption of the proposed policy.

13 CHAIR PORTER: You heard the recommendation of the

14 staff to adopt Policy No. 23. What's the will of the board?

15 MEMBER VICKERS: Mr. Chairman, I so move.

16 CHAIR PORTER: I have a motion by Mr. Vickers.

17 Do I have a second?

18 MEMBER MOODY: Second.

19 CHAIR PORTER: Second by Ms. Moody.

20 Any discussion?

21 Hearing none, all in favor of the motion say  
"aye."

22 THE BOARD: Aye.



23	CHAIR PORTER: And all opposed like sign.
24	Motion carries.
25	The next item of the agenda is considering
adopting a policy	

1 requiring that all official notices to the TECB be sent to the  
executive director in order

2 to be effective.

3 MR. HAYNES: Mr. Chairman, this is just a mere  
inner

4 housekeeping item. But a couple of times since I've served as your  
executive director

5 a board member might be providing me something or one of the staff,  
and more

6 importantly, you, Mr. Chairman, and nine times out of ten it's always  
made it where it

7 needs to be. As matter of fact, ten times out of ten it may have  
actually taken.

8 But on the other hand, the most appropriate thing,  
we log all

9 incoming correspondence, fax, emails, any correspondence related to  
the ECB is

10 dated and logged in in some fashion. And I think, so it might save  
you in the future

11 a little bit of headache of being able to say that duly noted receipt  
of that or due

12 process was followed and complete procedure was followed responding  
to a certain

13 matter, whether it's the district, a wireless carrier, or whoever it  
may be. I just think it

14 would be a good housekeeping item for you-all to adopt this policy.

15 And this is not meant that everything sent to the  
ECB has to

16 be sent on paper from the U.S. Mail. This could also apply to  
facsimiles, email, that

17 type documents, but basically we want it to be -- to be effective  
that all notices and

18 notifications would have to come through the board's staff offices.

19 MEMBER PURKEY: I move to adopt, Mr. Chairman.

20 CHAIR PORTER: Do I have a second?

21 MEMBER COBB: Second.

22 CHAIR PORTER: Motion by Mr. Purkey and second by

23 Ms. Cobb.

24 Discussion?

25 MS. QUESTELL: Point of order, Mr. Chairman, would  
it be

1 possible for me to read the proposed policy into the record?

2 CHAIR PORTER: Certainly.

3 MS. QUESTELL: Thank you.

4 This would be proposed Policy No. 24: "Effective  
July 16,

5 2004, in order to be effective, all documents, notices, and  
notifications to the

6 Tennessee Emergency Communications Board shall be provided in writing  
to the

7 executive director at the TECB offices located at 500 James Robertson  
Parkway,

8 Nashville, Tennessee, or by some form of electronic communication."

9 CHAIR PORTER: All right, it's read into the  
record. Any

10 discussion or questions?

11 Hearing none, all in favor say "aye."

12 THE BOARD: Aye.

13 CHAIR PORTER: All opposed like sign.

14 Motion carries.

15 The next item is considering adopting a policy  
requiring

16 ECDs to memorialize in written interlocal agreements any and all  
arrangements in

17 which they share with or obtain resources from other Government  
entities.

18 MR. HAYNES: Mr. Chairman, the staff believes that  
we're

19 getting into a time to where there's potentially more and more  
disagreements that will

20 grow out of what used to be a very cordial and very cooperative  
relationships between

21 the 911 districts and municipal forms of government and other  
municipalities, such as

22 local governments, cities, and counties, simply because a lot of the  
financial

23 resources, tax based revenues to support public services are becoming  
a little

24 strained.

25 And with that, Mr. Chairman, this board has a very  
good

1 track record, as well as a strong precedent for whether it's rate  
increases or whatever

2 they may administer, that adopting an interlocal agreement exists,  
not on a

3 handshake, not word of mouth, but in writing, to capture the spirit  
of the intent of the

4 exchange of goods, services, gifts in kind, whatever it may be  
between the 911

5 districts and the local municipal government. We think this is just  
to avoid a lot of

6 problems. So at this time I'll ask General Counsel to read the  
proposed policy and the

7 staff would recommend its adoption.

8 MS. QUESTELL: Thank you.

9 Proposed Policy No. 25: "Effective August 1,  
2004, all

10 agreements or arrangements between an emergency communications  
district and

11 another governmental entity in which resources and/or income of any  
kind are shared,

12 contributed, or obtained, shall be memorialized in written interlocal  
agreements."

13 CHAIR PORTER: You heard the request of the staff  
about

14 Policy No. 25. What's the will of the board?

15 MEMBER BILBREY: So moved.

16 CHAIR PORTER: Motion by Mr. Bilbrey. Do I have a  
17 second?

18 MEMBER LOWERY: Second.

19 CHAIR PORTER: Second by Mr. Lowery.

20 MEMBER MOODY: Mr. Chairman, I have two or three  
21 questions, and I'd like to make an amendment to the policy.



1 writing that would memorialize the agreement.

2 MEMBER MOODY: Okay. If that's the case, then  
that's

3 fine. I guess my feeling is down in sentence two, after the "which,"  
prior to

4 "resources," I really feel we need to insert the word "facilities."

5 MS. QUESTELL: That's a great idea.

6 MEMBER MOODY: And I'd like to amend that that  
word be

7 inserted.

8 And then at the end of the policy, I'd like to  
also add this

9 amendment, and that would state something like this, shall be  
memorialized in written

10 interlocal agreements and adopted by the local ECB before  
implementing such

11 agreements or arrangements.

12 CHAIR PORTER: Would you make that in the form of  
an

13 amendment.

14 MEMBER MOODY: I'll make that as a second  
amendment.

15 Unless the movant will approve it.

16 CHAIR PORTER: Mr. Bilbrey.

17 MEMBER MOODY: Unless Mr. Bilbrey will include  
that just

18 as part of his motion.

19 MEMBER BILBREY: Yeah, why don't we go ahead and  
do

20 that. Because I agree with everything you said there. I didn't  
follow the first and

21 second amendments, but why don't you go ahead -- did you get it all?



22 MS. QUESTELL: Yes.

23 MEMBER BILBREY: Let's make it part of the  
original.

24 MS. QUESTELL: May I read the revised policy into  
the

25 record?

1 CHAIR PORTER: We're just going to make this as  
part of  
2 the original motion.

3 MEMBER MOODY: That's fine. That's the way it  
should be.

4 CHAIR PORTER: Go ahead and read it with this  
5 amendment. And I think Anthony has a comment.

6 MS. QUESTELL: Thank you, Mr. Chairman.

7 "Effective August 1, 2004, all agreements or  
arrangements  
8 between an emergency communications district and another governmental  
entity in  
9 which resources and/or facilities and/or income of any kind --

10 MEMBER MOODY: Can I interrupt you? I was just  
going to  
11 say "in which facilities, comma --

12 MS. QUESTELL: Okay.

13 MEMBER MOODY: -- resources, and/or income."

14 MS QUESTELL: Got it. Okay. I'll start over.

15 "All agreements or arrangements between an  
emergency

16 communications district and another governmental entity in which  
facilities, resources,

17 and/or income of any kind are shared, contributed, or obtained shall  
be memorialized

18 in written interlocal agreements and adopted by the local  
communication district

19 before the implementation of such an agreement."

20 CHAIR PORTER: Anthony, do you have a --

21 Is it okay with the second?

22 MEMBER LOWERY: Yes.

23 CHAIR PORTER: Okay. You've heard the amendments  
24 and the policy. Do I have any other discussion or questions?  
25 Hearing none, all in favor say "aye."

1 THE BOARD: Aye.

2 CHAIR PORTER: All opposed like sign.

3 Motion carries.

4 The next item is considering adopting a policy  
setting

5 deadlines for applications for rate increase requests.

6 Anthony.

7 MR. HAYNES: Mr. Chairman, the following proposed  
policy

8 by staff is just merely to help keep things working in order. As you  
well know, as I've

9 told you many times in talking with the representatives that we know  
from companies

10 that work with different states and their authorities and what all  
they have

11 responsibilities for, I kind of like to brag, there's only two states  
in the nation that have

12 the extended authorities both mind the 911 operations and financial  
and accounting

13 and such and that's Texas and the State of Tennessee.

14 And in doing that, the Texas Emergency Commission,

15 literally has a few less authorities than the State of Tennessee  
Emergency

16 Communications Board does, and I like pointing out that we do with a  
staff of six a

17 little bit more responsibilities than what that Commission does with  
a staff of 33. But

18 with that you have to work smart. And you have to manage your scarce  
resources.

19 And we do the best job we can in trying to help the district to get  
their rate application

20 in, work with them, make sure it's accurate, make sure it makes a  
good presentation

21 to the board so that it can be judged on its merits and not how many  
errors or how

22 many accuracies that may be in there.

23 But it's just coming to the point, Mr. Chairman,  
that even --

24 even with that type of reasonable approach you have to have some sort  
of structure

25 because we can't -- we've gotten into doing this trying to  
accommodate the districts,

1 but we can't really do the board a good job, and really can't do the districts a good job

2 in terms of a good presentation if we're constantly getting information in up until the

3 last minute when we're trying to do other things, as well as other rate cases.

4 So what we would like to propose, like any other body, such

5 as the TRA, or any other type of organization that issues everything from a grant to a

6 scholarship, whatever it may be, and that is set a reasonable deadline that certain

7 things have to be in here, complete and accurate, for a rate case to be considered no

8 later than 30 days prior to that public meeting. That should allow - it will push us, but

9 that should allow, even if we have three or four rate cases, adequate time to work with

10 all districts and make sure all their information is correct, that it's accurate, so that that

11 case may have a good presentation to the board and be able to stand freely on its

12 own merits.

13 CHAIR PORTER: Lynn, could you -- that last sentence, the

14 TECB shall not consider untimely, incomplete, and/or inaccurate applications, is that

15 wording -- I think we're getting -- I feel new regions just might get a different

16 interpretation of that.

17 The intention, I think, was that the board would not hear

18 anything that was not presented at least 30 days ahead of time. That was the

19 intention; right?

20 MS. QUESTELL: Oh, yes. This was not meant to bar  
any

21 corrections that would come, it's just that all the corrections and  
stuff need to be in

22 within 30 days because we've just been struggling to try to deal with  
everything at the

23 last minute and it's just become impossible. So perhaps that needs  
to be worded a

24 little differently.

25 CHAIR PORTER: Yeah. It sounds like that we're  
saying

1 that we don't consider any of these to be untimely. Do you see what I'm saying? "The

2 ECB shall not consider untimely, incomplete, and/or inaccurate applications --

3 MS. QUESTELL: Okay.

4 CHAIR PORTER: What you mean to say is won't hear in a

5 meeting -- we wouldn't bring them up for consideration in a meeting, anything that's

6 not timely and presented to us 30 days ahead of time; is that right?

7 MS. QUESTELL: That's what I meant to say.

8 CHAIR PORTER: Okay. I think that's just a little word

9 problem.

10 MR. HAYNES: Mr. Chairman, I'd like to point out too, that

11 this is not -- I don't want to convey the perception to the public that some of these

12 things come in here are completely a mess. Because they're not. They just -- once

13 you make an error in a set of financial projections it has overreaching ramifications of

14 redoing the whole spreadsheet, redoing the whole outlay. And just some cases

15 different -- more information needs to be obtained.

16 And it will help us -- just like I said, this will arguably help

17 the district more than it will help the staff because it will allow us to have a good

18 clean, consistent presentation of that -- of that district's request from district to district

19 across the stat so that you may judge it on its merits and not be confused because



20 this data looks different than the one before it or you're trying to  
spend more time

21 trying to figure it out and that in a sense creates a perception that  
it's a weaker

22 proposal than -- than another when it may really not be.

23 So this is a much to help the districts as it is  
to help the

24 staff.

25 CHAIR PORTER: Lynn, if we just added the word A-  
N-Y,

1 any. TECB shall not consider any untimely, incomplete, and/or  
inaccurate

2 applications filed after such deadline. Does that --

3 MS. QUESTELL: That --

4 CHAIR PORTER: Does that fix that?

5 MS. QUESTELL: That's better. Does that fix that?  
Or

6 could we say, simply, that the TECB shall not consider applications  
that are filed past

7 the 30-day deadline and are incomplete and/or inaccurate.

8 CHAIR PORTER: Okay. You've heard the request  
from the

9 staff on the Policy No. 26, do I have a motion?

10 MEMBER MOODY: I move approval.

11 CHAIR PORTER: A motion by Ms. Moody.

12 Do I have a second?

13 MEMBER COBB: Second.

14 CHAIR PORTER: Second by Ms. Cobb.

15 Any discussion?

16 MS. QUESTELL: Point of order. Mr. Chairman, may  
I read

17 the amended --

18 CHAIR PORTER: Sure. Sorry.

19 MS. QUESTELL: "Effective July 15, 2004, all  
applications

20 for increases to the emergency telephone service charge and all  
applications for

21 extensions of such increases shall be filed with the Tennessee  
Emergency

22 Communications Board no later than 30 days prior to the public  
meeting during which

23 such -- such application shall be considered. The board shall not consider

24 applications that are filed past the 30-day deadline and are inaccurate, and/or

25 incomplete, absent extraordinary circumstances which could not be prevented by the

1 exercise of prudence, diligence, and due care."

2 CHAIR PORTER: You heard the policy. Any  
discussion?

3 Hearing none, all in favor say "aye."

4 THE BOARD: Aye.

5 CHAIR PORTER: All opposed like sign.

6 Motion carries.

7 The next item on the agenda is consider amending

8 Policy No. 14 governing allocations for extension of increases  
through the emergency

9 telephone service charge.

10 Anthony.

11 MR. HAYNES: Mr. Chairman, the staff recommends  
the

12 following amendment to Policy14 to clarify since we have a number of  
ECDs that are

13 coming up for rate extensions or as the board also calls them "sunset  
reviews" of the

14 original rate increase two or three years down. This, I think, will  
add a clarifying

15 matter, and I'll ask the general counsel to read the proposed  
amendments and

16 recommend its adoption.

17 MS. QUESTELL: With your permission, because

18 Policy No. 14 is so long, and it's already been promulgated, I would  
just like to read

19 the amendment language.

20 MEMBER PURKEY: So moved.

21 MS. QUESTELL: Okay.

22 MR. HAYNES: I'd like to point out for the record  
that these

23 policies are on the board's website, so if you want to review these  
you can.

24 Go ahead.

25 MS. QUESTELL: "To apply for an extension to the

1 emergency telephone service charge, the application process described  
in numbers 5

2 through numbers 13 above -- which is above the end of Policy No. 14 -  
- shall be

3 followed. The resolution referred to in number 5 shall request the  
board to extend the

4 increase to the emergency telephone service charge."

5 The resolution above states that a local board  
must pass a

6 resolution seeking an increase. So this is just to seek an extension  
as opposed to

7 seeking an increase.

8 "The procedures in number 1 through 4 are optional  
for

9 requests for an extension to the emergency telephone service charge."

10 What this means, basically, is that you'll follow  
amended

11 Policy 14 for extensions with the stated exceptions.

12 CHAIR PORTER: You've heard the request on amended  
13 Policy No. 14. What's the will of the board?

14 MEMBER PURKEY: Move for amendment, Mr. Chairman.

15 CHAIR PORTER: Motion by Mr. Purkey.

16 Do I have a second?

17 MEMBER VICKERS: Second.

18 CHAIR PORTER: Second by Mr. Vickers.

19 Discussion?

20 MEMBER MOODY: Mr. Chairman, I want to ask a  
question.

21 In going through this, I think we had some problems in that if a rate  
increase has an

22 essence in the state government, we call it "sunset," and if that application does not

23 come in a timely manner, we don't have anything in our rules that deals with that. And

24 I think we need something in there to deal with that.

25 Because, to me, if a person doesn't -- let's say they have the

1 rate increase, it sunsets a particular time, and they're supposed to  
come in within that

2 time frame to have that review; if they don't come in during that  
time period they're

3 getting their money but they have no extension and we haven't, as a  
board, dealt with

4 it. I just wonder if Counsel, if maybe -- and I don't mean to put  
you on the spot, but if

5 next time, if you could come up with another amendment to address  
that issue.

6 MS. QUESTELL: I would be happy to do so. Yes, I  
would

7 be happy to write a proposed amendment to address that situation.

8 MEMBER MOODY: I think we need it as a board.

9 CHAIR PORTER: Does everybody agree with letting  
Lynn

10 adopt this policy for next time?

11 Can you do that, will that be all right?

12 MS. QUESTELL: I'll be happy to.

13 CHAIR PORTER: Other questions or discussion?

14 Hearing none, all in favor say "aye."

15 THE BOARD: Aye.

16 CHAIR PORTER: All opposed like sign.

17 Motion carries.

18 The next item is to consider GIS mapping  
reimbursement for

19 Carter, Washington and Gibson and Knox County ECDs.

20 MR. HAYNES: Mr. Chairman this is just a  
housekeeping

21 clarification matter. If you recall we were seeking a technical  
direction to the grant



22 authority issued to us by Commission Dan Goetz to carry out the \$10,000 GIS

23 mapping maintenance grant. And we found that there was an error in how that was

24 categorized as a reimbursement grant, in that you had to spend the money first before

25 you got the grant money. That was never the intent of the board. They wanted to

1 provide those resources up front, particularly in the case if they  
wanted to use it to

2 supplement salaries in human resources.

3 So in doing that we sought protective correction  
from

4 Commission Goetz. And during that time these 911 districts were  
going to send in an

5 application and they were told by a member of the staff, why don't  
you just hold off

6 until we get this thing -- don't even send it in right now because we  
can't do anything

7 with it.

8 But by the time all the days and weeks go by in  
getting this

9 amendment from F&A and the processing it has to go through, the short  
story of it is,

10 is that it would appear that these districts did not get a bonafide  
application in as it

11 should have during that fiscal year. We know that it was never the  
board's intention

12 that any district would not be eligible for that grant.

13 So instead of staff trying to make application to  
this, what

14 we've done in the past like on other matters with these grants, we  
could just ask the

15 board to clarify your intent and your policy, that -- that, you know,  
it was your intention

16 that all districts be eligible for these, and so in this case you  
would approve respective

17 consideration to these four 911 districts to be eligible for the  
grant in fiscal year

18 '03/'04.

19 CHAIR PORTER: You've heard the request from staff  
--

20 MEMBER MOODY: Mr. Chairman, I'd like to recuse  
myself

21 since Knox County is involved.

22 CHAIR PORTER: Let the record show that Ms. Moody  
23 recused herself and Mr. Vickers also.

24 MEMBER LOWERY: Would it be -- I don't know  
whether it's

25 appropriate here. I know there's a -- I've talked to Don about it --  
across the state for

1 some of us that's got on a fiscal year January to December, and our books just don't

2 work that way. And different people that I've talked to just don't understand it. They

3 say, well, if you don't send our money we can't get it in the budget, it's not going to

4 come out right. And Don has really explained it. I mean, I understand why it's that

5 way.

6 But is there any way to get that back on our -- I would think

7 anything pertaining to us needs to be July to June, not January to December. And I

8 understand why it fell there. But -- and I'm not sure this is even the place to bring it

9 up.

10 MR. HAYNES: We can look at it, but I don't know that the

11 answer won't be the same --

12 MR. JOHNSON: We can look at it again, but I doubt it, it's

13 just the way F&A has set up the grant.

14 MR. HAYNES: The problem is the State requirements do

15 not permit us to issue an amount of money for the same purpose of these grants

16 within a 12-month period of time. And when we started these grants the pressure was

17 from the district and a certain amount of pressure from the members of this board,

18 let's go ahead and help these districts out and start getting some money in their

19 pockets.



1 MR. HAYNES: Let me -- let me address this, Don.

2 I think where we might could try to help that  
situation along,

3 and keep in mind that all of these matters currently have to be  
process by the

4 Department, in the department of -- by the Department of Commerce in  
the

5 Department of F&A. One of the --- I'm going to be speaking, maybe as  
early as next

6 week, personally, with Commissioner Goetz about the ECB executive  
director

7 obtaining its own -- obtaining signature authority from the  
Commissioner to process

8 this money.

9 I don't know that that's going to make a huge  
difference, but

10 even -- what we have found in our job, if we can shave anywhere  
between one and

11 three days off the process, it might make the total difference in the  
world how it finally

12 gets in the State's closing window. Because we're really at the  
mercy of two entities,

13 F&A, as well as the Commerce Department on getting this money out.

14 We have -- we have a pretty -- the staff's got a  
real good

15 record. And when I say that, Don and Vanessa have an excellent  
record of turning

16 things around in a number of days. The problem is, often, it gets to  
other departments

17 where it's just not a priority.

18 So, hopefully, if we were able to secure the  
signature

19 authority with Commissioner Goetz, which in informal conversations  
he's been very

20 open to having the discussion that maybe this would help shave some  
the time off

21 involved and help the overall situation. But that's -- that's the  
best I know to do.

22 MEMBER LOWERY: You know, I just -- I know -- I  
know

23 Don last year told me to put it my books as money in transit. My  
auditor don't like that

24 at all.

25 CHAIR PORTER: We don't want to get wrote up on an  
audit

1 for something that's not our fault.

2 MR. HAYNES: Currently all the authorities who  
process our

3 money are all with the Commissioner of Commerce and Insurance. This  
has been

4 from day one in 1999,

5 MEMBER LOWERY: Yeah, I know.

6 MS. QUESTELL: If I may interject. I also really  
think that

7 now that we've got this amendment process done, that that might speed  
things up.

8 Because there's not confusion now. And it is my hope that we'll be  
able to get this

9 stuff processed much quicker because of that.

10 MR. JOHNSON: Because we didn't get the  
information for

11 these amendments we rush and try to take care of it at this time.

12 CHAIR PORTER: You heard the request from staff on  
the

13 housekeeping on Carter, Washington, Gibson, and Knox. Do I hear a  
motion?

14 MEMBER LOWERY: So moved.

15 MEMBER RICH: Second.

16 CHAIR PORTER: Motion by Mr. Lowery. Second by  
17 Mr. Rich.

18 Any discussion?

19 Hearing none, all in favor say "aye."

20 THE BOARD: Aye.

21 CHAIR PORTER: All opposed like sign.

22 Motion carries.



23

The next item is to revisit the request by Carroll

24

25

1 MR. HAYNES: As the board will recall from the  
previous

2 board meeting a number of discussions and different approaches to  
help the --

3 sensitive to the request of the Carroll County ECD, and quite  
frankly, and normally

4 with other ECDs that have contacted me over the last two years, about  
whether or not

5 911 fee monies can be used to purchase address markers. And their --  
apparently,

6 this historically has been received with conflict in the attorney  
general's opinion about

7 maintaining highways and signage. And I know, I look out in the  
audience and I see

8 Mike Mahn, I know he was involved in some of these discussions back  
in 1994.

9 But the bottom line is, Mr. Chairman, I did  
extensive

10 research on this matter. Clay went to the archives for all the tapes  
and board minutes

11 and researched it thoroughly. Of course, as you know, the courts in  
Tennessee only

12 consider what happens over two chamber boards for the legislative  
intent. But we

13 went back even further than that in committee discussions. No where  
did we ever find

14 that the 911 -- that it was ever intended for the amendments that  
occurred in '94 and

15 some other places, for this to apply to 911 address markers.

16 We interpret it at the staff level, at least your  
executive

17 director does, that 911 address markers are not highway signs. They  
were something

18 that ties with the infamous authority given by the County Commission  
for its mapping.

19 We've since given that mapping and addressing function for public safety reasons not

20 for convenience. Not to save the County money. Not to keep peace with the post

21 office. It was there to help get people who needed help -- the scope of 786 -- timely

22 response when they call that magic three-digit number, 911.

23 So we can't -- being a state agency, we don't necessarily

24 want to challenge the attorney general's opinion as it's written. We think there's

25 probably a more prudent way to do this. I think for what the attorney general's opinion

1 was intended to do, in terms of highway maintenance and road signage,  
that it was

2 actually right on the money. But my personal opinion, when it comes  
to these 911

3 address markers, that wasn't the intent of the legislation that was  
passed. Two and

4 three and sometimes four AG opinions appear to be the basis of my  
opinion.

5 So the staff originally was coming to you this  
morning to ask

6 you to consider -- or asking you and recommending you to revise the  
revenue

7 standards to permit this. But, quite frankly, Mr. Chairman, over the  
last 24 hours I've

8 thought this thing through, and I think the best thing for the board,  
for the districts, for

9 the AG's office, is let the will of the people, through the  
legislature, speak. And I'm

10 confident that if we run this thing through a legislative process and  
seek clarifying

11 legislation on this, the districts' wishes will prevail and it will  
be seen as a different

12 type of function and not highway signage.

13 We don't want to put any -- any of our board in a  
position

14 where they feel like they're running contrary or going against the  
opinion of a state

15 attorney general. Yes, it's just an opinion of another lawyer, but  
he's our lawyer. He

16 is the one to complete our cases across -- you know, in the portion  
of this state as

17 well as this nation. And we have to respect that.

18 So what I would do at this time, Mr. Chairman, is

19 recommend that the board authorize the staff maybe to not only work  
with the

20 counties that are interested in seeking this legislative  
clarification but also be of

21 service to the General Assembly and draft and such and take whatever  
steps might

22 be necessary to handle this through a legislative process and then  
let the will of the

23 General Assembly decide what should be the policy on this matter.

24 CHAIR PORTER: You heard the request from staff to  
carry

25 this as a legislative procedure instead of us making a change.  
What's the will of the

1 board?

2 MEMBER BILBREY: So moved.

3 CHAIR PORTER: I have a motion from Mr. Bilbrey.

4 Do I have a second?

5 MEMBER MOODY: Second.

6 CHAIR PORTER: Second by Ms. Moody.

7 Any discussion?

8 MEMBER PURKEY: Mr. Chairman, is there any concern  
at

9 all about opening the statute up?

10 CHAIR PORTER: We'd love to go a year without  
having to

11 open it -- open it up. But I don't know if that's --

12 MEMBER PURKEY: You know, what is the results when

13 you open it? The statute could have some changes. There may not be  
a concern

14 there.

15 MR. HAYNES: My personal -- I thought about that  
myself.

16 And my personal thoughts are, is that given that this is -- I think  
we're on solid ground

17 trying to help these districts. Because, quite frankly, I personally  
believe that the

18 original basis for the AG opinion -- I'm not saying that the opinion  
is wrong, I'm just

19 saying that I think that it was in error. They're human beings  
practicing law.

20 I think if we could make our case directly, it may  
be seen

21 that way, but it doesn't -- we can't, like a country store, go up and  
have the honest of

22 faith and walk out and say, oh, yeah, I agree with this. It's more complex than that.

23 I am sensitive to opening up the statute because it takes a

24 lot of time, wastes a lot of resources, and quite frankly, opens it up for a lot of money

25 business of not only district types, but people that are not so friendly to a board of 911

1 districts. I think, though, that -- that common sense will prevail.  
I hope it will, at the

2 end of the day, that extensive changes to the stature, even if it  
were opened up would

3 not be pursued. At least I wouldn't think it would be wise given  
TACIR that's been

4 charged with completely reviewing that statute. And it wouldn't be  
prudent to -- to

5 make substantial changes that they are putting significant resources  
towards the

6 review in terms of funding, operations, and governments before Harry  
Green and his

7 organization could do -- complete their work.

8 So I have been sensitive to that. But I do think  
that it would

9 be worth the time to do this. And, hopefully, legislative wouldn't  
just start going crazy

10 with amendments simply because of the work that Dr. Green and his  
fine staff needs

11 to complete.

12 MEMBER MOODY: Anthony, I'm just wondering,  
wouldn't

13 we be better off to make this an issue with the TACIR study and Harry  
Green, and let

14 them consider it along with all the other issues they're going to be  
looking at?

15 Couldn't that be done?

16 MR. HAYNES: It could.

17 I realize his study is not supposed to be out for  
two years,

18 but, gosh, we've been graveling with this now for -- for a long time.  
Do you see that

19 timing is of the essence to resolve this?



20  
districts feel

MR. HAYNES: Well, I just -- I hate that the

21 compelled to get these markers up so that folks can get to the right  
place when they

22 call 911 and have current audit findings.

23 And a broader issue here is also the issue of  
private roads.

24 As you know, a government body cannot sign, so to speak, a private  
road. But as

25 some folks will tell you, that if someone doesn't put up a sign on  
that private road a lot

1 of the emergency response people will never be able to find them in  
that county.

2 I think the broader -- the broader goal here of  
all is, is that

3 the right people get the help at the right time. You know, that all  
people get the right

4 help at the right time and that everybody along the way has done all  
in reasonable

5 fashion to make sure that that happens. And what I hate to see is  
people haggling

6 over whether there's money to be spent on this or money to be spent  
on that. And I

7 know, as a taxpayer and as a citizen, I take that approach. It's  
like, the Government

8 needs to get its act together and give them help because nobody over  
here is going

9 to. Somebody needs to take the initiative on this.

10 So, Ms. Wanda, I don't know. I guess if I had to  
make a

11 recommendation to you, I would rather see this opened up and try to  
put it to bed.

12 And there's nothing to prevent Dr. Green and his associates from  
looking into it more

13 thoroughly. But I just hate for the districts to -- you know, to  
make the choice between

14 another year of an audit finding and trying to get address markers,  
E-911 address

15 markers in places where they need to be, sometimes when the public is  
wanting to

16 combined for themselves to try to help themselves.

17 But I serve at the will of the board. If you want  
to do

18 otherwise, I'll do that.

19 CHAIR PORTER: Other questions or discussion?

20 MEMBER LOWERY: Do you think legislation would  
just

21 refer it back and lump it in with the TACIR? Won't that depend on  
who introduces

22 it?

23 MR. HAYNES: I think that if the board were --  
were with --

24 you know, if the board wanted to get behind trying to clarify this, I  
think the various

25 parties in the General Assembly would honor the board's interest in  
clarifying this

1 matter. I would be surprised if it got referred to the study,  
though.

2 Again, there's nothing to prevent Dr. Green and  
his

3 associates at TACIR from reviewing this thoroughly. And then if  
their

4 recommendation changes it, it looks like we'll have to.

5 It's really up to the board, I think, whether or  
not you want to

6 try to deal with this or if you would rather have the study as part  
of the big picture of

7 what roles and responsibility each one has, whether it's local  
governments, city

8 governments, 911 districts, and who should be doing what, which we do  
know is being

9 looked at by the TACIR study, or go ahead and try to make some sort  
of -- some sort

10 of policy clarification about that.

11 CHAIR PORTER: We currently have a motion on the  
floor

12 to send this through the legislative process. Amendments,  
discussion?

13 Hearing none, all in favor say "aye."

14 THE BOARD: Aye.

15 CHAIR PORTER: All opposed like sign.

16 MEMBER LOWERY: Nay.

17 CHAIR PORTER: Did you say "no"?

18 Let the record show that Mr. Lowery voted no.

19 Motion carries.

20 We'll take one more agenda item and then we'll  
take a short

21 break.

22                                   The next item on the agenda is a report on the  
true-up and

23   the biannual from the auditor, Don Johnson.

24                                   Sorry, Don.

25                                   MR. HAYNES:   That's all right, he's got other  
chances to

1 shine up here today.

2 Mr. Chairman, I just want to give you, or the  
staff give you a

3 brief update, where we are with the annual true-up process around the  
carriers on

4 Phase I. We received seven of twelve true-up reports, and that we  
will continue to

5 work with these other carriers to try to get these true-ups in here.  
And when we get

6 more complete -- when we get compilation of all of these carriers and  
we analyze this

7 process to insure that, not only, one, they have committed to us and  
gone over the

8 data and properly given us the money that they should; we can also,  
too, make sure

9 that we haven't overpaid them or that we need to pay them more based  
on our

10 agreements.

11 So it's a very simple procedure that we have to do  
annually.

12 And I just wanted to give you an update, not only that's in process,  
but also the

13 financial audits that you authorized back in January of this year,  
Don has already

14 started researching and contacting the companies that we will be  
doing the formulas

15 on. It's those independent auditors that have be designated for that  
company that

16 they're required -- those companies are required to have. So I  
wanted to let you know

17 that we're making progress in those areas.

18 That concludes the executive director's report and  
the action

19 items, and I appreciate the board's support.

20 CHAIR PORTER: Any questions or comments on  
Anthony's

21 report?

22 I meant to tell you-all at the beginning of the  
meeting, my

23 goal is for us to finish up around lunchtime. And I think we're well  
on track to do that.

24 But we'll take about a ten-minute recess and we'll  
come

25 back and hear the White County ECD rate increase extension.

1 (Break in proceedings.)

2 CHAIR PORTER: Okay. We'll come back into  
session.

3 The next item on the agenda is the White County  
ECD rate

4 increase extension or sunset hearing, whatever you want to call it.

5 White County folks, whoever is here to represent  
White

6 County, come up and have a seat at the table.

7 Harry, if you would, introduce yourself for the  
record and all

8 of the guests you've got with you today.

9 MR. COLE: I'm Harry Cole. I'm the director.  
Sitting beside

10 me is our chairman of our board, Margaret England.

11 And with me today I have our county mayor, Herd  
Sullivan;

12 our city mayor of Sparta, Tommy Pedigo; a board member with us, Ben  
Gardenhire;

13 the county commissioner; Jerry Denton; and we have a representative  
of our local

14 newspaper, Kim Wood is with us today. And then, Randy, I gave you  
the note.

15 CHAIR PORTER: And I'm going to go ahead and read  
this

16 into -- is it okay to read it into the record, now, Lynn?

17 MS. QUESTELL: Go ahead.

18 CHAIR PORTER: This is from the White County --  
it's on

19 White County 911 Emergency Communication District stationary and it's  
to the ECB.

20 It says, "We, the undersigned members of the White County Emergency



21 Communication Board, respectfully request the State Emergency Communications

22 Board to approve the rate increase extension of White County." it's signed by

23 Caroline Holland, the secretary/treasury; Gary Witt, Board Member; Tommy Austin,

24 Board Member; and Sherrie Gibson, Board Member.

25 So we'll enter that as part of the record today also.

1                               Let's see -- Harry, you've got four of the -- how  
many board

2   members do you have?

3                               MR. COLE:   We have eight now.   We have one that

4   resigned this past Monday.   So we have eight.   And one of them is on  
vacation.   A

5   fellow by the name of Haight Jones is on vacation.   We couldn't get  
in contact with

6   him.

7                               CHAIR PORTER:   So all of your other board members  
have

8   either signed this or are here?

9                               MR. COLE:   Are here.   Yes, they are.

10                              CHAIR PORTER:   Which one resigned?

11                              MR. COLE:   Jerry Lowery.

12                              CHAIR PORTER:   Jerry Lowery.

13                              MR. COLE:   Tommy Pedigo, the mayor of Sparta is on  
our

14   board, Ben Gardenhire and Ms. Margaret here beside me.

15                              CHAIR PORTER:   Okay.

16                              MEMBER PURKEY:   Mr. Chairman, I'm familiar with my

17   friend, the county mayor from White County.   Can you others just hold  
up your hands

18   so I know who you are?

19                              Okay.   Thank you, you-all.   Thank you.

20                              CHAIR PORTER:   Is Mike going to be doing anything  
--

21                              MR. COLE:   Oh, yes.   And Mike Mahn.   I'm sorry.  
And

22   Mike Mahn, our board attorney.   Yes.   I apologize.

23 CHAIR PORTER: Okay. Has that got them all?

24 MR. COLE: Yes, sir.

25 CHAIR PORTER: We're trying to still get into this  
sunset

1 thing and get a flow going as to the way we'll do those. I think,  
however, the first thing

2 we'll do is kind of carry it to the point of a rate increase request.

3 To start with, we'll let Don kind of go over all  
the financials

4 with us. We'll let Rex do the -- the site data. And then we'll hear  
from the District.

5 And then we'll do our normal deliberations of the board. And that's  
kind of a set order

6 so that we keep order in the way we'll do these.

7 So, Don, do you want to start with some numbers?

8 MR. JOHNSON: Okay. This is the 2004 --

9 CHAIR PORTER: Hold on just a second, Don. Let  
me, for

10 our new board member, White County asked for a rate increase request  
on their 911

11 fee about --

12 MR. COLE: 2001.

13 CHAIR PORTER: -- 2001. And on those rate  
increase

14 extensions we have -- we set a sunset date as to what time they'll  
end. We then look

15 back at them and either approve them or extend them or to deny. And  
that's where

16 we're at.

17 And I'm sorry, I'll now turn it over to Don.

18 MR. JOHNSON: All right, Mr. Chairman. This is  
the 2004

19 sunset review for White County. They're asking to maintain their  
rate for residential at

20 \$1.50 and business of \$3. And they're a Level IV District. They  
were here back in

21 August, August the 30th of 2001. And their reasons for being here was to provide

22 funding for the communication center expenditures without asking the taxpayers for

23 help and also to reduce the amount of additional funding from the County and the

24 City.

25 Their rate increase went into effect pretty much in August,

1 August 30th, 2001, with some conditions. And that was to -- White County, they have

2 a chance to come back to petition for another rate increase or to raise their landlines

3 through a local referendum. Also, they had a list of equipment that they were

4 planning to purchase. And they also were planning to increase their budget.

5 And in there, a case at a glance, it shows a list of agencies

6 that they support.

7 As far as June of 2004, their residential customers were

8 9,688. Their business customers were 2,692.

9 I have a brief case study here. In Table 4, is pretty much

10 what was handed to us the first time that they had come to us back in 2001. And it's

11 been modified on the next page -- well, the page that I sent through email is an

12 update.

13 It shows quite a few expenditures that they plan to do as far

14 as equipment and everything and remodeling the center and all, up into 2009. And

15 I've also put all of that in -- well, included all of that in their - their five-year plan.

16 They have a five-year plan as of 2005 to 2009. As you can

17 see, in their five-year plan they plan to have a net income with an increase of 21,386

18 in 2005 and a net income in the year 2009 of 220,327.

19 Now, with -- with my projections, I plugged in the same

20 expenditures that they have. As far as 2005, I included their  
apparent number of

21 customers for residential and business, and I come out with -- as far  
as 2005, also I

22 included the grants or reimbursements that the TECB will be giving  
them for fiscal

23 year, what they would be eligible for. I come out with a net loss of  
77,104.

24 Now, also, in the next year that will, you know,  
go away with

25 an increase -- with a net income of 40,142. And they will continue  
to have a net

1 income all the way through 2009. But it will start to decrease.  
Their retained

2 earnings, or I guess you say -- or the terminology -- the accounting  
terminology now is

3 net assets now. Their ending net assets in 2009 would be 744,195.

4 And as far as their net cash in 2009, they are  
planning to do

5 a county-wide -- have a county-wide repeater, which is going to cost  
about \$300,000.

6 That would put them in a net -- well, in a negative cash of 118,183.  
Now, they may

7 have some investment by then, you know. But right now I don't have  
that in there.

8 So --

9 MEMBER PURKEY: That would be assumed that they  
pay

10 for it all.

11 MR. JOHNSON: Exactly. Pay for it all.

12 And that's pretty much it.

13 CHAIR PORTER: Questions of Don on the numbers?

14 Okay. Hearing none, Mr. Hollaway, would you  
provide us

15 with your slide presentation.

16 MR. HOLLAWAY: This is, of course, the building  
that the

17 PSAP resides in. And that's the building also that they were in when  
they made the

18 original rate increase back in 2001. The PSAP, the entire PSAP is  
operated by the

19 White County 911 district. They receive about a thousand 911 calls  
per month for

20 which they dispatch also. They also have the 311 calls for the  
county. And they're



21 actually about 2,000 of those calls per month. So that's a total of  
3,000 calls. They

22 also receive multiple other non-emergency calls that come in, we just  
haven't been

23 able to get the numbers.

24 The current staff at the time I did the inventory  
includes

25 eight full-time and three part-time call-takers, dispatchers. And  
the administrative

1 staff includes a director and one information specialist.

2 This is their PSAP. As you can see, the  
partitions there.

3 The one on the -- the one on the left is a typical position, and the  
others -- the pictures

4 are actually showing the three positions in the dispatch area.  
They're using a

5 TCI E-911 controller -- plus radio consoles, a logging controller,  
and it shows -- that's

6 for their mapping system.

7 And here's some additional drawings that show  
their

8 equipment room, where their generator is kept.

9 I think Don covered some of these today. As other  
counties,

10 they continue to seek reduction in participation in their funding.  
And this rate

11 continuation would provide for the normal growth and upgrade of the  
PSAP.

12 CHAIR PORTER: Any questions of Rex on the  
technical

13 data?

14 MR. HAYNES: Mr. Chairman, I should probably point  
out for

15 the record, although Rex Hollaway and Associates are no longer in a  
contract with the

16 TECB, that the site visits and report preparations were made under  
the contact during

17 the time frame he was an agent of the board. So in case there's any  
questions asked

18 about the control of this board and what stipulations of the contract  
for the services

19 delivered --

20 MR. HOLLAWAY: And let me just say, I'm off the  
clock

21 today but happy to be here anyway.

22 CHAIR PORTER: Thank you, Rex. We appreciate  
that,

23 You've been very dedicated to us.

24 Okay. Next item, we'll hear from the White County  
ECD as

25 far as why you feel that the extension should be extended and  
anything you want to

1 bring before us.

2 Harry.

3 MR. COLE: Well, thank you, Mr. Chairman. The  
only thing

4 that I've got to say, you know, Rex said at the end, to be able to  
continue the growth,

5 to keep our center upgraded. The items that we have we believe are  
necessary for

6 that in the next five years.

7 There has been some -- and I want to address those  
today.

8 There's been a couple of questions that Don had asked about our rate  
increase up to

9 now. We have four -- we'll actually five items on there that are  
still ongoing. One of

10 them is the building extension. And we have a building committee  
that's working on

11 that right now. And then the items that are along with these, three  
other items that are

12 pending are related to that.

13 But we've got a GPS system that we haven't  
purchased yet,

14 that we are planning on doing. We're just trying to find the right  
system for us, for

15 what we need. And we have a digital camera system that we're looking  
for. We've

16 been shopping. And we understand that there's some new technology  
coming out this

17 fall, and we're really kind of -- kind of waiting to not waste our  
money on old

18 technology, let's wait and see if this new is really what we are  
looking for.

19 So that's kind of where we are and where we've  
been in the

20 past. We, you know -- we just feel like that we need -- we've got a  
plan -- we've had a

21 plan, we've got a plan, we'd like to continue to see it grow and go.

22 CHAIR PORTER: Your chair, Ms. Chairman, would you  
like

23 to say anything?

24 MS. ENGLAND: Thank you, Mr. Porter. We're  
responding

25 to your summons here. We feel real special since you sent each one  
of us a personal

1 letter. So we're -- only three of us here, but we have one on vacation and we

2 have -- we have others on the job. They're not 100 percent volunteers, but we are.

3 We appreciate being here.

4 Everything is on track in Sparta at our 911 system. All of

5 our committees are in place. We have a building committee with their blueprint in

6 place. Our budget committee is working with Harry on the budget. The personnel

7 committee, thank goodness, is not busy because we don't have any complaints or

8 personnel problems. And we're pleased to have three of our board members here

9 today and a county commissioner and the local press, as Harry has told you.

10 So we're just here to respond to your invitation and ask your

11 support and help us to continue what we started some time ago. And we think that

12 everything is going well, and we can keep it that way if we have your kindness and

13 your support. Thank you.

14 CHAIR PORTER: Thank you.

15 Herd, you want to -- as county executive of White County,

16 would you like to say anything?

17 MR. SULLIVAN: We'll I'd just like to say, Randy, that -- of

18 course, I don't know how many of you know directly, I know David knows directly what

19 kind of pressure the county governments are under any more, all of the mandates that

20 we're under and everything else. And I just feel we need this rate increase to sort of

21 help us fund some of the ongoing expenses of the 911 center. And I feel that these

22 telephone charges are the most important way to get that funding. It's the most

23 responsible way because everybody has a telephone but not everyone pays property

24 taxes. But everyone's got a telephone. It's just the way I feel.

25 If there's any way you-all could see fit to let us keep this rate

1 increase, we really need it.

2 CHAIR PORTER: Thank you, Herd, I appreciate your  
3 comments.

4 MEMBER PURKEY: Mayor, let me -- let me ask you.  
It's a

5 question on all of our minds, and I don't want to put you on the  
spot, but I do feel like

6 it's important to get it out on the floor. I know how difficult it  
is being the appointing

7 authority for boards. And you try to appoint people who can get  
along and move the

8 agency forward.

9 Do you feel today that the harmony on the board is  
better

10 than it was in the past months? We've seen some information, quite  
frankly, public

11 information from the newspaper articles that indicate a lot of  
discourse and a lot of -- a

12 lot of conflict. And that's something that concerns this board.

13 As the appointing authority of the board members,  
do you

14 feel like it's better today than it has been?

15 MR. SULLIVAN: I don't feel it's any better, but I  
don't think

16 it's worse. But I don't think it's any better either, just to be  
completely honest with you.

17 And I don't know exactly what the root of the problem is. But I  
would like things to be

18 better.

19 MEMBER PURKEY: I understand.

20 MR. SULLIVAN: And I'm trying to work towards  
things being



21 better. But as of right now, probably not any better.

22 MEMBER PURKEY: I understand. Thank you.

23 CHAIR PORTER: Any other questions for Herd?

24 Thanks, Herd, for coming down. I know that it  
takes out of

25 your busy time. We appreciate you coming.

1 MR. SULLIVAN: Thank you-all.

2 CHAIR PORTER: Mr. Pedigo, Mayor of Sparta, do you  
3 have something you would like to say?

4 MR. PEDIGO: Yes. I am Tom Pedigo, the mayor of  
Sparta.

5 And we -- as our chairperson said, we do appreciate you-all inviting  
us down. And we

6 want to have the best 911 that we can have.

7 I've just got on this board basically trying to  
represent the

8 City, and as you-all know, I think the biggest concern that we have  
is that we're small.

9 We've got a town of 5,000 people, a county of a little over 20,000  
people. And it's

10 hard to fund that.

11 I have family that lives in Morristown, and I  
noticed what the

12 funding was for the Hamblen County and Morristown, and the City of  
Sparta and

13 White County pays more money than Hamblen County does. And the  
reason being is

14 because we don't have the people. And the only way that you can  
share this with the

15 people is to share it as evenly as you can with all of those people.

16 And so where Hamblen County may have 60,000, we've  
got

17 25,000, 27,000. You've got to share that. And it puts pressure on  
your property taxes

18 to be able to fund all of those things with that. And I know -- and  
I do believe that

19 there ought to be money, that we ought to -- we ought to be  
supporting that. The City

20 should be supporting 911. The County ought to be supporting 911.  
But at the same

21 time, there's just a limit that you can give to that.

22 And that's why that I personally feel like the --  
the increase

23 on the phone rates is, undoubtedly, the most equal way of sharing  
that in a community

24 as small as ours.

25 CHAIR PORTER: So, Mayor, the City of Sparta  
supports

1 the rate increase?

2 MR. PEDIGO: Yes, I do. I do support it. Yes, I  
do.

3 CHAIR PORTER: Any questions of the mayor?

4 Thank you, Mayor, we appreciate you coming.

5 MR. PEDIGO: Thank you.

6 CHAIR PORTER: Any of the other folks from White  
County,

7 any of the board members, anybody have anything they want to say?

8 Ben.

9 MR. GARDENHIRE: My name is Ben Gardenhire. I  
also

10 want to thank the board here for giving us all the support over the  
years that you've

11 given us. I mean, I am one of the oldest board members that's been  
on this board.

12 And I remember -- Randy probably remembers -- we started from maybe  
getting

13 chairs for 20 something dollars a week. We have come a long ways  
with you people's

14 help. I'm here to tell you that I really do appreciate it. I really  
do.

15 You know, I think the thing here that we have is  
all type of

16 diversity is not negative. I mean, that's what a board is for. And  
I'm here today -- it's

17 like getting the addition put on the building. I mean, there's no  
bones about that. I

18 mean, we've been in that building for some -- maybe 10 or 11 years.  
It's built in a

19 remote location. We have property here that we can get for maybe a  
dollar for a

20 hundred years from the County. I want our county looking real good.

21 I can't see -- because we don't own our 911  
property. It's

22 built on an individual's property. I mean, just -- just plain old  
pennies and dimes tell

23 you that anything that you put into somebody else's property is not  
beneficial to your

24 county. I don't know what those heirs -- they might challenge it one  
of these days,

25 and we put a lot of money there.

1 But -- and for the rate increase, no, I'm not  
against the rate

2 increase. We need those funds. We need that to make our county go  
forward. But I

3 want to make sure that those funds that we get are -- is used in a  
way that will send

4 us forward.

5 And I'm against a rate increase if it's going to  
make some

6 diversity against our group.

7 Like I said, we need -- we need funds. I mean, I  
don't think

8 there's any county, unless it's one of the large metropolitan cities  
that's got a lot of

9 help to do that -- like he said, we've got 5,000 people in our city.

10 I think the whole county is, what, 27,500, Harry?

11 MR. COLE: It's a little over 26,000 .

12 MR.GARDENHIRE: Okay. So again, I'm not here for  
the

13 diversity, I'm here to -- I want to thank the board for what you guys  
have done for us.

14 I don't know how long I'll be on that board. I  
really don't. I

15 don't know how long Harry will be there. I don't know how long  
Margaret will be there.

16 But I don't want to be a person that's going to set a presence that  
somebody coming

17 in behind me that we helped make something that they can't correct.

18 But again, I want -- I really want to thank the  
board for

19 helping us over the years and giving us support in White County. I  
really do

20 appreciate that.

21 CHAIR PORTER: Thank you, Ben.

22 MEMBER MOODY: Could I ask -- could I ask

23 Mr. Gardenhire a question?

24 Like Mayor Purkey, I too have read a number of  
those

25 articles from the Sparta paper and recognize that there are some  
problems and,

1 obviously, some differences of opinion and so forth. And you brought  
up one relative

2 to the building. And I agree with that since the ECB does not own  
the building, if you

3 own the building whatever you do to it, there's a reversionary clause  
in whatever kind

4 of legal arrangements on the building --

5 MR. GARDENHIRE: I'm sorry, we do own the  
building. We

6 don't own the property.

7 MEMBER MOODY: You don't own the property?

8 MR. GARDENHIRE: No, ma'am.

9 MEMBER MOODY: What happens, then, if you decide  
10 you're not going to use the building any longer for an ECB facility?

11 MR. GARDENHIRE: It goes back to that estate or to  
12 Mr. Earnest Bennett's family.

13 MEMBER MOODY: Have you at any time, as a board,  
14 looked at the possibility of spending this additional rate increase  
on moving to another

15 facility?

16 MR. GARDENHIRE: That was my first thought of the  
rate

17 increase money to be used for building some new facility. That would  
be my thoughts

18 for it. I don't know what a new facility would cost.

19 We have a plan right now to look on -- to build on  
the

20 existing building.

21 MEMBER MOODY: Has the board approved that policy?

22 MR. GARDENHIRE: No, ma'am. I am on -- Tommy  
Pedigo



23 and I are on the building committee that is looking into that. And  
Mr. Haight Jones,

24 which is the vice mayor, he's also on that committee.

25 Right now, I think Mr. Pedigo shares my thoughts  
that

1 building a new center would be more viable than adding to the old building right now.

2 Now, we might want to look into that later on down the road as far as where that site

3 would be. If the new emergency planning building is going to be on 111, I'm

4 thinking -- I was talking to Herd a while go, that that property might be available to us

5 too. And then on up the road from us is the fire department.

6 So I'm looking at visual contact with people that's coming

7 into our community, as far as seeing our facilities that we can provide for them, is a

8 911 center. And I'm not saying that the center is not maybe providing good service.

9 I'm just saying it's not cost effective to start putting a lot of money in a building -- and

10 this is my opinion, I'm only one board member -- in a piece of property that doesn't

11 belong to us.

12 And I'm thinking because maybe Margaret and I, two of the

13 last members that's been on the board for a little longer, I've been there longer than

14 Margaret, as you have members that comes and goes off the board, I'm pretty sure

15 that a lot of members have never even thought about that. I guess, if you go back ten

16 years and ask the board members, did you know we don't own the property, they're

17 going to stop there. Margaret and I know it. Harry and I know it.

18 So I guess one of the things is that, what are we going to do

19 for the future. I mean, I really don't care what's happened in the  
past. I mean, we

20 need to just move forward and look for something that's going to be  
good for our

21 community. And again, that's my belief. That's my thought.

22 We don't own the property. And I think as it  
becomes more

23 visual that you don't own the property, it becomes more apparent to  
them that we're

24 not even going to get to buy any more property from them, you know, I  
just think that's

25 where we need to stop. Again, that's my opinion.

1 MEMBER MOODY: Thank you.

2 CHAIR PORTER: Any other questions?

3 Thank you.

4 MR. GARDENHIRE: Thank you very much.

5 CHAIR PORTER: Anyone else from White County in  
the  
6 audience that wants to speak?

7 Okay. Members, it's your time to ask any of the  
White  
8 County folks, any questions you have.

9 MEMBER BILBREY: Let me ask.

10 CHAIR PORTER: Mr. Bilbrey.

11 MEMBER BILBREY: Is there a contractual  
arrangement for  
12 this property? Is there a lease or -- what -- what kind of a  
situation is that?

13 MR. COLE: Mr. Bilbrey, I'll defer the total  
answer, I guess,  
14 to Mike. But we have a deed for the land. And in that deed there's  
a clause in there  
15 that states that should the 911 facility cease to be a 911 facility  
somewhere in the  
16 future then that land would revert back to the original owners.

17 As long as it's operating as a 911 center, it  
belongs to 911.

18 It would be operated by 911. There's just a clause in the deed.

19 The man that owned the property, originally, was  
the county  
20 executive at the time that 911 was being sought for White County.  
And he is a -- just  
21 as a good deed to the County offered this -- they were searching for  
a piece of

22 property somewhere to build a 911 facility, he offered this land, you know, for the

23 building of it. And the then president of the 911 board accepted that offer and chose

24 to build that building on that place.

25 And that's what Mr. Gardenhire was referring to.  
There is a

1 deed made out to the White County Emergency Communications District,  
so filed in

2 our courthouse. And I can give you a copy of it, if you'd like. I  
could have brought

3 one today. But in that there's a revisionary clause, though, that  
states should it not be

4 operated as a 911 then the land would revert back to the previous  
owner.

5 Does that answer your --

6 MEMBER BILBREY: Yeah, I think so. Insofar as the  
land, it

7 was donated for that purpose. But the building and so forth, what  
happens to it if it

8 reverts?

9 MR. COLE: Well, the building is on the land.

10 MEMBER BILBREY: It goes back to the owner or  
whoever,

11 is that -- well, you're the owner right now, the 911?

12 MR. COLE: Yes.

13 MEMBER BILBREY: But it would revert back to  
whoever

14 donated it and they'd get the building and everything else.

15 MR. COLE: Should 911 cease to operate.

16 MEMBER BILBREY: I guess it's a loaded question,  
but

17 what's the inclination up there of doing? The board and other  
people, are you

18 thinking about giving all of that up? I don't know -- what's the  
building worth?

19 MR. COLE: Probably somewhere in the neighborhood  
of

20 175 to \$200,000, the building, the land, and everything that's  
sitting on it.

21 MEMBER BILBREY: Okay. How about the location, is  
it

22 satisfactory or --

23 MR. COLE: For a 911 center it's -- the way -- the  
way I view

24 it, the way I think a lot of other people view it, it's perfect. You  
might ask your

25 consultant over there, and let him -- he sees -- former -- I'm  
sorry, former consultant.

1 Consultant at the time.

2 MEMBER BILBREY: Well, are there other opinions as  
to

3 what do with the land, the building, or moving, or whatever? Is  
there a difference of

4 opinion here or are you willing to keep that or what? I guess --

5 MR. HOLLAWAY: Well, I think there's a lot of pros  
at the

6 site, and the building itself, it certainly can use some  
improvements. I think they do

7 need more space. From a security standpoint there are -- there's  
been a lot of things

8 done to secure the site. The infrastructure that the 911 network is  
on is protected

9 within that secured environment.

10 It's as good of a site as many as I've seen around  
the state.

11 It's certainly not a Hamilton County or a Knox County type of a  
structure. But if you

12 look at some of our worst case scenarios, it's certainly a much  
better infrastructure

13 than you could see.

14 MEMBER BILBREY: How much land are we talking  
about,

15 how many acres?

16 MR. COLE: Seven-tenths of an acre.

17 MEMBER BILBREY: Seven-tenths of an acre.

18 MR. COLE: Yes.

19 MR. HOLLAWAY: It's a very small piece of land.

20 MR. COLE: It's up on the side -- it's on the side  
of a

21 mountain between Sparta and Crossville.





1 in the county doesn't have a place, and they would like to have. So there was a plan

2 to build an ambulance service building and an emergency management building

3 together. And somewhere someone picked up on, well, maybe we ought to include

4 911 as part of this building program.

5 That wasn't discussed with 911. It was -- I don't really

6 know -- I think it came from our county commission, primarily. But we really kind of

7 caught wind of that as it was floating around. So we gathered all the information we

8 could find out about it, which included a sketch for that building, and it didn't include

9 911 at all. The original sketch that they've been pursuing has just got the ambulance

10 service and EMA. And so I don't know, there's been -- Mr. Bilbrey, I really don't know

11 how this all got where it's at right now, just to be honest.

12 I've been to Freddie's, and I've -- well, I've been all over the

13 state and saw a lot of buildings. And I told our board, and I say it openly to the -- you

14 know -- a lot of people have come to White County to look at our center as being one

15 that they'd like to look -- constructing their center similar to this. So it's not been a

16 negative center in the past.

17 We've heard that -- in fact, we've heard that our 911 center

18 is a laughing stock and things like that. I defer that to some of the people that's been

19 there, including -- I think Anthony and Don could tell you about  
what kind of a center

20 we have. I think it would be, personally, from a 911 director, and  
I've only been there

21 six years, but I think it would be really an atrocity to the people  
of White County and

22 the City of Sparta to move out of that building and spend money for  
another building

23 because this one that we're in now with this addition would be almost  
absolutely

24 perfect for what I believe a 911 center ought to be.

25 Freddie has been there. A lot of folks of yours  
have been

1 there. Ask for some other opinions, though, don't just listen to mine. I'm part of it, so I

2 promote that for which I'm a part of. And I promote the 911 center as it is right now

3 where it's at.

4 I think being away from the main people around town gives

5 a sense of security. We don't have people walking in and walking out just arbitrarily.

6 If you come through our electronically controlled gate, you're coming to our center for

7 a reason. We can control who comes in and goes out. We like that. And I think all

8 911 centers ought to be similar to that. I mean, I personally do. For the security of

9 your NCIC system, the security of your infrastructure, I think it's a good way to go.

10 MEMBER PURKEY: Harry, let me ask you what may be a

11 difficult question but it might go to the heart of the relationship of the board. It may be

12 my opinion as the county mayor that we don't need a new justice center. But the

13 county commission may feel like we do.

14 MR. COLE: Right.

15 MEMBER PURKEY: And they're the policy body, the

16 planning body, and they may vote to build that. I may not like that, but I have to

17 accept that, my job being to run the other side of government to make that happened.

18 Do you accept the premise that if the board wants to -- if

19 their policy is to move and do a new building, despite your recommendation, that if

20 they vote to do that, that it's your job to make that happen, to help  
make it happen?

21 MR. COLE: Do I support that?

22 MEMBER PURKEY: Yes.

23 MR. COLE: David, I would never -- I would never,  
ever do

24 anything to circumvent our 911 system in White County, ever, personal  
feelings or

25 otherwise. Now you know me, you've been here all along, and most of  
the people in

1 this room know, I'm pretty outspoken, I'm pretty aggressive, and I support that which

2 I'm a part of. And I think that's why they hired me. That's one of the reasons they

3 hired me because they had some problems at the time I went up there.

4 I personally believe what we have now is adequate. I don't

5 think we ought to spend the money. But if the County Commission decided that we

6 needed a new building in a different place that included that, I would not -- I would say

7 let's get on with the plans, starting tomorrow, or whenever they wanted to do it.

8 But I think the -- there's plans out there, but there's not been

9 any discussion. They don't even know -- we've got this building, probably worth

10 somewhere between 175 to 200,000 that you're going to leave and give back to

11 someone else. And you're going to spend maybe three or \$400,000 procuring land or

12 whatever and building the building. That doesn't -- I'm a taxpayer. I pay quite a few

13 taxes in White County. I just don't think that's a good use for our money.

14 CHAIR PORTER: Other questions?

15 MEMBER MOODY: One. And I'm looking back through the

16 information that was submitted three years ago when you made the initial request for

17 the rate increase. One of the things you included on that was an addition to the

18 building. That's been three years ago. And I guess my question is, why hasn't

19 something happened during that three years?

20 MR. COLE: We was acquiring the money, Ms. Moody.

21 We had to take the money that was coming from the rate increase and  
accrue that

22 money and keep it, put it aside. And it took the full four years.  
Because we're in the

23 midst right now of installing an \$80,000 CAD system. And that  
building -- the CAD

24 system was half of our rate increase, over half of it. It took us  
the full three years to

25 accumulate that much money to be able to do that.

1                   MEMBER MOODY: And have you already installed the  
2 CAD system?

3                   MR. COLE: It's being installed as we sit here  
right now.

4 They're in the midst -- equipment -- we're waiting for one more piece  
of equipment so

5 they can finish the install.

6                   MEMBER MOODY: What else with this list that you  
7 indicated that you were going to use those funds for and you've not  
done?

8                   MR. COLE: The furniture for the console area  
there, we

9 haven't spent that. Yet it's pending. Basically, it's pending the  
building. That's item

10 number 4 on your list.

11                   Item 8, the floor covering, we haven't spent that.  
Again,

12 pending the building. There's no sense in putting floor covering  
down and having to

13 tear it back up when we start the expansion.

14                   And the replacing of the furniture, we're waiting  
to see what

15 we -- you know, that's another item that we're waiting for the new  
building.

16                   The GPS system and the digital camera, as I  
mentioned that

17 before, the GPS system, we're working with a company right now to try  
to devise the

18 right system for -- we do all of our addressing, as does Randy and  
many of the others

19 sitting in this room. We do all of our addressing. And today what  
we use for a GPS



20 position and device is just a small garmen (phonetically), which is  
not really accurate

21 enough for what we really need.

22 And we're in the midst of -- we have an instrument  
on our

23 Jeep that we use that will drive the road and actually lay the road  
out for us. And we

24 can bring that back and dump it into our computer, it puts the road  
on our map.

25 Which is, I think -- I thought -- isn't that the way that they're  
doing it in Sullivan County

1 now, isn't that the system?

2 MEMBER LOWERY: That's the way we should be doing  
it,

3 but we're not.

4 MR. COLE: You're trying to get there, okay.

5 That's -- but most of the -- most of the people  
that do

6 addressing would like to get that. That's our goal right now, to get  
there.

7 And so -- those are the items, Ms. Moody, that has  
not been

8 spent yet.

9 MEMBER MOODY: What about item number 2?

10 MR. COLE: We've got that. We've already received  
that. It

11 was -- it was implemented in early 19 -- 2003.

12 CHAIR PORTER: Other questions?

13 MEMBER LOWERY: On the land and the building that  
we

14 seem to be discussing --

15 MR. COLE: Right.

16 MEMBER LOWERY: And I don't know whether you can

17 answer this or maybe Mike, if you-all needed to use that property as  
collateral, is it set

18 up so you can? Can you borrow against that deed, if the District so  
chose to? I'm not

19 saying that you'd even consider that. But is the deed situated --  
Mike may know,

20 that's a technical -- legal question --

21 MR. COLE: Mike, I'd have to defer that to you. I  
don't know.

22 MR. HAYNES: Mike, I'm not an attorney, but I did  
have -- in

23 my last -- my last government job I used to help write \$100 million  
loans to utilities.

24 And I'm not trying to sway the board's decision on this one way or  
another, but I

25 wouldn't issue a loan on that type of collateral. It would have to  
be -- if the

1 Government was going to loan money, the Federal Government or a municipal was

2 going to loan the money, they would have a free and clear deed of the facility.

3 Because I would have to come in on behalf of the United States' taxpayers and

4 liquidate that property, and I can't liquidate that property if in the deed there's some

5 stipulation that it could revert to a third party, then it's not your privy to sign the loan

6 documents.

7 So I think -- and I don't want to speak for counsel, who you

8 called on, but I think it would depend on the lender, what they were comfortable with,

9 and what the state law is, given the type of financing that might be available.

10 CHAIR PORTER: Do you still want to hear --

11 MEMBER LOWERY: No. I know that exists across the

12 state of Tennessee everywhere. I know there's other 911 districts exactly the same

13 way, and probably more so the school systems than anything else. I don't have any

14 idea how -- I don't know, I never heard anybody say on a private mortgage.

15 MR. MAHN: Mr. Chairman, I agree with what Mr. Haynes

16 said, and would note to the board, there is -- as I pointed out to the 911 board --

17 there's a simple remedy for this, if it ever became a problem, a remedy for the County

18 and for the 911 board, and that's to exercise the power of eminent domain and just

19 simply take that property and pay the owner a reasonable value for  
what that dirt is

20 worth.

21 And the board has not wanted to do that, and out  
of respect,

22 I think, for the person who holds it. Because it really has not been  
an issue for the

23 board, as such. Although it is very much a community discussion  
item. Because the

24 911 board has never voted to consider moving its operations, and I've  
suggested

25 that's what they could do if they needed to. But they would rather  
not spend the

1 money to clean the deed up yet.

2 But I think that in the event they were going to  
look at

3 leaving the property or it became necessary, that's what they would  
have to do.

4 CHAIR PORTER: Other questions?

5 MR. HOLLAWAY: Mr. Chairman, some folks may not  
6 realize this, but the costs to build these kind of buildings would be  
in excess \$250 a

7 square foot, so I would certainly propose the point to be 10 percent  
of this building or

8 at least make some kind of a commitment they were going to stay there  
20 years so

9 that this doesn't --

10 CHAIR PORTER: Other questions?

11 If not, I'm going to let -- I want Anthony to  
address an issue,

12 Ms. England's, her comments earlier about summoned on something along  
that line,

13 about why the letters were sent to the White County people.

14 MR. HAYNES: Yes. Madam Chair, welcome, and thank  
you

15 for not only coming today but also -- I'm sure that you had some  
influence in seeing

16 that this many people did come. And I felt it was worthy to note  
this simply because

17 we have haven't issued to a board, to my knowledge, prior to my being  
executive

18 director, as well as afterwards, it has never issued this sort of  
request for the board to

19 come. And I'd like to explain for the record why this was necessary.

20 First and foremost, it was very difficult for the  
staff to do its

21 work properly. And I'll just be quite frank. The staff never could  
acquire a consistent

22 answer, and without casting dispersions of who's telling the truth  
and who's not, I

23 personally have spoken to your employee, Harry; I've spoken to county

24 commissioners; I've spoken -- they contacted me -- I've contacted --  
I've spoken to

25 your board members, they contacted me. And I could not get  
consistent

1 representation not only what I considered what really happened or  
what is the truth or

2 what may be the information that I can go on to put in this case  
study for the board to

3 make a well-informed decision, but frankly, checking with a couple of  
different

4 sources, I think Harry told Don, and I confirmed with some local  
sources, that there

5 were no intentions of any board members to come as if it was  
demonstrating some

6 complete contempt or disregard for the work of this board to try to  
come -- arrive at a

7 decision on what the board is asking them to do this morning.

8 So that is why -- you can shake your head, Mr.  
Cole --

9 MR. COLE: Well, May the 27th meeting --

10 MR. HAYNES: May I finish?

11 CHAIR PORTER: Finish up.

12 MR. HAYNES: This staff does not get into decision  
making.

13 As a matter of fact, these board members can attest since I've been  
the executive

14 director no recommendation has ever come forth on a case study.  
Because I want

15 that to be the open deliberations that the law hopes to include. But  
it is only

16 because -- only because I could not get a consistent statement or  
representation of

17 what was going on and where the board was and half the board wanted  
the

18 resolution -- I mean, half the board wanted the rate increase, the  
other half didn't want

19 it. Some of them said, oh, we didn't vote on that.





1 that kind of credibility would be your hired office or the board's attorney, Mike Mahn. I

2 was hearing that he had resigned and had not showed up to meetings. And then

3 Harry tells me, oh, no, they didn't vote to accept his resignation. And then some say,

4 oh, well, it didn't matter.

5 And I just ask for you to put yourself in my position. It's very

6 difficult as a State employee to try to work with something that's a moving target like a

7 dove on opening season day. Now, that's the only reason why your district, unlike

8 any other district that I know of that has come up by the board, was sent a letter at my

9 direction through the general counsel to not only come, but also that we made a

10 recommendation to the board, this is what we've got to do.

11 I know, as staff, we don't want to represent anything as, yes,

12 the White County board has agreed to do this, that's not factually correct. And that,

13 quite frankly, was what I was having an extreme amount of difficult - - an extreme

14 amount of difficulty putting together.

15 So it's not meant to be a slight, insult, or intimidation tactic.

16 And it's certainly not a summons in the true legal meaning on the world. It was by

17 hopes that we could get you, the governing body empowered by law, to tell us what

18 the heck was going on and what do you want as a board. Because I could not get

19 that at the staff level.



1 MS. ENGLAND: Who have you spoken to, who did you  
2 speak to on our board?

3 MR. HAYNES: I hesitate to start calling names,  
but I will,

4 Mr. Gardenhire was one. I've spoken to another board member, and  
quite frankly, I

5 get swamped with calls, and I don't keep a call log of who I've taken  
calls from. And

6 so -- and I don't even remember the name of the county commissioner  
that contacted

7 me.

8 So -- you know, I'm just sitting in my job trying  
to do the best

9 job I can for the board, knowing what the law says, knowing what's  
going to get them

10 in trouble with audit findings and how to -- how to try to help them  
avoid that. And I do

11 not want to get in a situation of he said/she said.

12 The thing that has to be addressed is what is the  
unanimous

13 will of the -- or what is the duly process role of the board. Do you  
want this rate

14 increase or not? Was it voted on? And if so, how do you want to  
proceed? Because

15 like I said, quite frankly, for the previous three months we at staff  
level could not get

16 consistent answers on the thing.

17 And I'm not saying that commissioners weren't  
telling the

18 truth, board members weren't telling the truth, or Harry wasn't  
telling the truth. I, quite

19 frankly, didn't care. I just wanted a direct answer of what the  
board, the governing

20 body of your local 911 site decided to do. And that's what I want to  
cough up.

21 MS. ENGLAND: We would be glad to provide you with  
a

22 copy of our board -- of our board minutes after each meeting that we  
have, if that

23 would help.

24 As far as Mike is concerned, it was my  
understanding that

25 Mike resigned because of a newspaper article that he saw that was  
very negative. In

1 it one of our city board members had stated that our center was a laughing stock of

2 the state. And when questioned, she said that she got it from one of your board

3 members. So there's been a lot of he said/she said whether we're looking for it or not.

4 That's what's happened.

5 Our county commissioners have a little trouble

6 understanding that they do not control the 911 board. We have a City/County

7 agreement, which they have copies of, and we have requested over and over that

8 they read that agreement.

9 I became chairman Monday afternoon when our chairman

10 resigned. He was someone who came on the board and because he was popular with

11 the county commissioners and maybe popular period, he was nominated to be

12 chairman at the first meeting he ever attended. We had a tie vote at that time, and

13 the other member was at the next meeting and he went in that direction.

14 So our chairman, who has just resigned, never knew the

15 meaning of what 911 was all about. And as Ben said, he's been on the board a long

16 time. I have been on the board a long time. Ben and I disagreed on things. And

17 there's also people that love controversy.

18 And going to the gentleman over here that referred to

19 getting his information from the local newspaper, well, I think that all of you know that

20 the media feeds on controversy. And ours is no exception. And we  
can't hold it

21 against it -- against them because it sells papers.

22 So this is what we would like you to understand,  
our board

23 is certainly for this. And maybe if we haven't made it in black and  
white, I want to do

24 so. But I wasn't aware that you had not had proper information. I  
inherited the

25 chairmanship because I was vice chair. And I'll be happy to do  
whatever I can to

1 clear up any misunderstandings.

2 MEMBER PURKEY: Madam Chairman, would you -- with

3 the newspaper article, of course, being at the other end of the  
state, you know, that's

4 the only way I have to get information. I guess I could call people  
in the county, but

5 we don't do that. As board members we just don't do that. We get  
calls, but we don't

6 call them ourselves.

7 Do you question -- let me phrase this right. Do  
you question

8 the accuracy of the newspaper articles? I mean, I know -- I know the  
media can't

9 report the whole situation. You know, they have their lines, and  
they have --

10 MS. ENGLAND: That's where the problem is.

11 MEMBER PURKEY: But what -- but what has been in  
the

12 paper as far as the conversations, do you question the accuracy of  
those?

13 MS. ENGLAND: I question the complete coverage of  
our

14 business meeting. Those that are more controversial get quoted more  
often. And we

15 have our reporter here with us, and I'm sure she would answer any  
questions you

16 want her to.

17 And I'm not here saying that she has been  
inaccurate. But

18 I'm sure -- I have and most of you have had enough experience with  
the media to

19 know what sells newspapers. And ours is no exception.





1 in on it, and a lot of people do. But we're not controlled by our  
City or our County, and

2 this is a little hard to be understood in White County.

3 CHAIR PORTER: Other questions or comments?

4 MR. HAYNES: Mr. Chairman, I would just add,  
Counsel

5 may have really got drug into this thing. I'd like to point our for  
the record that I could,

6 quite frankly, care less who you hired as your attorney, your  
accountant, whatever

7 may be the case. The reference that I made to Mike Mahn was because  
he is duly

8 sworn officer of the court of this state, a member of the bar, and I  
use that as a

9 reference point, that if all else fails and I don't feel like I can  
get the truth, he is my last

10 stop safety net because I know he will not lie to me. He's not  
supposed to lie to me.

11 And if he does lie to me on a matter like this as an officer of the  
court there will be

12 repercussions to him as a professional.

13 So that's why I referenced him. And as  
mentioning, when all

14 else fails, the guy I would normally go to and say, Mike, what the  
dickens is going on;

15 I couldn't get him to give a straight answer of whether he was there  
or not.

16 So this is, again, not meant to be a bullying or  
intimidation.

17 I've worked with a lot of districts since I've work with this board  
for two and a half

18 years and by far this particular district, the way its leadership has  
been split and how

19 hard it was to get information -- and quite frankly, at times I felt like I was -- I mean,

20 I've been in politics for about 15 years, and I felt like there was a little cat and mouse

21 game being played with me. And that's not the way I like to operate. And it's not the

22 way the public expects their business to be run. And I'm not going to be a part of it

23 that way.

24 So I'm hoping with you, the new chair, that maybe you and I

25 can develop a direct communication channel so that if ever any questions like this

1 come up again, I can go to you, as the Chair, and say, this is what I'm hearing, can

2 you tell me what's going on. Because if it is this, I might have to do this; and if it's not,

3 I'm staying out of it.

4 MS. ENGLAND: I will be glad to hear from you.

5 MR. HAYNES: Thank you.

6 CHAIR PORTER: Any other questions?

7 I have one number question. And I want to make sure that

8 I'm right. On your five-year projection, it's Table 5 -- okay. It's your White County

9 Emergency Communications District Five-year Plan/Projection, and on our handout

10 it's Table number 5. On the 2004 and 2005 budget, the revenue coming in from

11 White County and the City of Sparta is tremulously lower this year than it was in prior

12 years and than it is on your projection for future years. Is that correct? Can you

13 explain that?

14 MR. COLE: That's -- that's the center of all the controversy

15 right there. 911 has about a little over \$100,000 that its accumulated beyond what we

16 would normally set aside for adding a ten percent or so. We've got close to \$100,000

17 as a result of receiving grants from the ECB and just maintaining and not spending a

18 lot. We budgeted for x-number of dollars and we didn't spend all of it, and it

19 accumulated from that and different things. But we've accumulated over -- in six

20 years we've accumulated almost \$100,000.

21 We've had people that's been trying to spend that  
for us

22 from the outside. Next year we're proposing that we go ahead and  
spend that money

23 as part of our budget and get it out of the system so we get away  
from everybody

24 trying to manage our system from the outside. And that's what we're  
doing here. Is

25 we're just getting our money down to where it needs to be so we don't  
have all of this

1 fussing back and forth and people wanting -- you know, our county  
commission, quite

2 frankly, has been looking at our resources trying to figure a way to  
get their hands on

3 part of it.

4 CHAIR PORTER: Did the board voluntarily reduce  
the

5 amount that Sparta and White would pay, or is that something that  
Sparta and White

6 County did on their own?

7 MR. COLE: No. We -- the board presented this  
budget to

8 them.

9 CHAIR PORTER: Okay.

10 MEMBER BILBREY: Can I ask a question?

11 CHAIR PORTER: Sure. Yeah, go ahead.

12 MEMBER BILBREY: Are you saying they ignored their  
13 obligation?

14 MR. COLE: We lowered it for them for this --.

15 MEMBER BILBREY: You lowered it?

16 MR. COLE: We lowered it.

17 MEMBER BILBREY: You know that we said originally,  
now,

18 when we approved this, they have to maintain the same level of  
revenue or we're

19 going to cancel this thing.

20 MR. COLE: What do you mean?

21 MEMBER BILBREY: We have never approved anybody

22 lowering their share as the replacement of taxes, that's just a no-  
no. If you lowered it,

23 you allowed them to lower, then you've got a problem.

24 MR. COLE: This didn't have anything to do with  
the rate

25 increase.

1                   MEMBER BILBREY: You lowered their income to you,  
2 didn't you? Their revenue share, what they're sharing, what they're  
giving them?

3                   MR. COLE: Yeah. We got a grant. Right now you  
folks  
4 were allowing us to have a \$30,000 grant.

5                   MEMBER BILBREY: I'm talking about the interlocal  
6 agreement. Now, let's go back. How much -- each one, the City of  
Sparta is giving;

7 how much is the County giving?

8                   MR. COLE: Okay.

9                   MEMBER BILBREY: Has that changed over the years?

10                  MR. COLE: No.

11                  MEMBER BILBREY: Okay. Then we're talking about a  
12 different thing.

13                  MR. COLE: Yeah, I don't know what you're -- you  
know,

14 we're just trying to be good stewards of the money that's in the  
coffers.

15                  MEMBER BILBREY: But is the level, the income  
level from

16 the interlocal agreements, is that still at the same level over the  
years, has it

17 decreased, increased, what?

18                  MR. COLE: Percentage-wise, yes, sir. The County  
and the

19 City has never refused to give 911 what we've asked for.

20                  MEMBER BILBREY: Okay. And you haven't lowered  
it?

21                  MR. COLE: Yeah, we've lowered --



22 MEMBER BILBREY: You haven't asked them not to  
give it,

23 is what I'm talking about here. And I'm at a lost here.

24 MR. COLE: We're asking for less money this one  
year --

25 MEMBER BILBREY: Okay. Then you're asking them to

1 give less?

2 MR. COLE: Yes.

3 MEMBER BILBREY: Well, that's a problem. I don't  
care

4 who's doing it.

5 MR. COLE: Well, I'm not -- I mean, that's -- if -  
-

6 CHAIR PORTER: And I wasn't trying to stir up  
trouble. But

7 I think it's part of my responsibility as a board member that we  
should look at this.

8 That just concerned me that they dropped their money down so low on  
that. That's a

9 pretty hefty drop from the City and White County.

10 MEMBER BILBREY: Let me go one step further, too.  
We

11 approved this in 2001 for \$251,000 of expenditures here that you were  
going to make.

12 Now, that's what that money was supposed have been spent for.

13 MR. COLE: Right.

14 MEMBER BILBREY: There's \$156,000 showing here  
that

15 hasn't been spent. Now, that may be that money you're talking about  
having to drain

16 down. It should have been spent like we approved it.

17 MR. COLE: Well, it is going to be.

18 MEMBER BILBREY: Well, it hasn't been. Or it was

19 supposed to be done a year ago. I think this was a two year, wasn't  
it? Or was it not?

20 MEMBER MOODY: It was two years originally then --

21 MEMBER BILBREY: It was two years originally.  
Right.

22 But two years originally for you to expend this  
\$251 --

23 \$251,000 --

24 MR. COLE: We didn't get the money until the end  
of this --

25 it didn't all finalized until the end of June this year. That's --  
we've been accumulating

1 this money.

2 MEMBER BILBREY: But why didn't you spend it on an  
3 ongoing basis? That's what we thought you were going to do, as you  
needed it. Each

4 one of these items here, you know, they don't cost that much.

5 MR. COLE: I have an \$80,000 CAD system --

6 MEMBER BILBREY: You've got 10,000; 15,000; 3,000;  
7 1200, 1600, 6500, 9500. But it bothers us now when you go back and  
tell them they

8 don't have to give their share.

9 MR. COLE: But that has nothing to do with the  
rate

10 increase.

11 MEMBER BILBREY: It has something to do with the  
funding

12 of the E-911, when they don't give their share. That has everything  
to do with a rate

13 increase because you can decrease it.

14 CHAIR PORTER: Mayor, I'm sorry. I wasn't paying  
15 attention.

16 MR. PEDIGO: Could I?

17 CHAIR PORTER: Sure.

18 Mr. Pedigo: I understand exactly where Mr.  
Bilbrey is

19 coming from, and I can appreciate his concern for that. The thing I  
want to point out

20 as mayor of the City of Sparta, to go back to what I said earlier,  
and I think this is the

21 point I want the board to really think about, I understand that  
before I was ever

22 elected mayor there was a meeting that said you can't reduce the amount of money

23 the two entities are presenting to the 911. However, as I said earlier, I looked at

24 Hamblen County a couple of weeks ago, maybe a month ago, and I'm not sure exactly

25 what that number was, but I believe Hamblen County was required to put in

1 \$147,000 --

2 MEMBER PURKEY: 141.

3 MR. PEDIGO: \$141,000. That's a county of about  
60,000

4 people. This board is requiring that White County, of 25,000 people,  
to put in

5 \$300,000. \$300,000.

6 It is -- it is your responsibility. But when  
you're -- and you've

7 got a lot of board members here. And I'm not sure exactly where  
everybody is from,

8 but if you are a board member who's from a small community, that's a  
tremendous

9 amount of money.

10 Now, I know you can't go back and change any of  
that. And

11 I'm -- that's not what I'm requesting. I'm just asking you to think  
about what you're

12 doing. When you've got 20 -- between 23 and 25,000 people, and  
you're saying to

13 those people, we have the authority to tell you that your city, one  
city, one town in the

14 county, 5,000 people is going to have to fund a fourth of what the  
whole county of

15 what Hamblen County has to fund for Hamblen County.

16 MEMBER PURKEY: Mayor, let me clarify one thing,  
the City

17 also does contribute.

18 MR. PEDIGO: I -- I agree with that. I'm not just  
talking

19 about them -- and I didn't see that in the paper. It was the Citizen  
Tribune, but I was

20 reading that.

21 MEMBER PURKEY: About 309,000 City and County.

22 MR. PEDIGO: Okay, I rest my case. 60,000  
presenting

23 about 300,000 plus verses 25,000 people. That's the reason.

24 Now, I know that we've has trouble. I just went -  
- just as

25 Margaret has become chairman. I just went on the board because the  
person that was

1 on the board from the City said that it was more than he wanted to do. And I knew

2 that all these things that you were talking about, and as mayor, I wanted to get right in

3 the middle and get my feet wet and find out exactly what was going on and help -- and

4 help the county executive do that.

5 But I do agree with the chairman. But I want to point out

6 one more thing. There is a problem in the County and the City of the understanding

7 of what an interlocal agreement is. I think Mr. Haynes pointed it out earlier, or maybe

8 it was legal -- general counsel when she said that the governmental entities. And we

9 need to understand in the City of Sparta and White County that there are

10 governmental entities. The City of Sparta being one, White County, and 911.

11 We don't need to be telling the County what to do, and it

12 puts us on kind of a hard spot because as the city mayor I've got to look at where the

13 money is going and make sure it's going to be spent correctly and to the best interest

14 of the citizens of Sparta. And Herd has to do the same thing for the people of the

15 county. But then as I sit on the board of 911, I have to realize that they can't be telling

16 us what to do because we make our own decisions.

17 But whether or not the money is spent correctly or not, the

18 point I want to make is we are being taxed by 911 before -- and we were willing to do



19 it because you directed us to do it. But if you refuse the increase,  
what you're doing

20 is telling us as a city and a county, go back and tax your people  
more because you're

21 going to have to raise the money somewhere to fund this. Because  
we're going to

22 have a 911.

23 And we're asking whether or not -- I hope -- the  
point -- the

24 whole point I'm up here right now is to point out that, yes, there  
may be an argument

25 between the county court and the 911, and there may be a problem  
between -- you

1 know, I have a question, of why you are even talking to  
commissioners?

2 MR. HAYNES: Because they call. It's part of my  
job.

3 MR. PEDIGO: To talk to a county commissioner?

4 MR. HAYNES: I work for the taxpayers of the state  
of  
5 Tennessee.

6 MR. PEDIGO: I guess my point being, is -- is that  
there is --

7 you see the separation that we have to have. And whether there's a  
problem with

8 Harry or whether there's a problem with the board, or whether there's  
a problem on

9 where they're going to put the building or whatever -- we have a  
building committee

10 that I think is going to make the correct decision. Because it's not  
been taken lightly,

11 the responsibility we have.

12 But the point that we're here today, and we're  
business

13 people too, and we needed to be in our businesses, but I took the  
letter that was sent

14 as saying this is serious. And that's why I'm here today. And  
that's why that I could

15 not sit back there and let this keep going on and on.

16 Yes, we have a problem, but I'm asking you, I'm  
pleading

17 with you, let those arguments be something that we have between Harry  
and the

18 chairman and the board. But don't let those arguments have anything  
to do with the

19 decision of whether or not we continue this rate increase. Because  
we're going to

20 have to fund the money. And the fairest way to fund that money is to  
put it on the

21 phone bills so that everybody who lives in an apartment or a rental  
house or anything

22 else helps pay the 911 expense.

23 Because when we send that ambulance out there or  
that

24 police care out there, they don't ask if it's a rental piece of  
property or if it's a home.

25 They're going to do it because that's the way you-all have done it.

2 lightly. But I just want you to know when you're talking about a  
town and a county of

3 25,000 people that where that money comes from is very, very, very  
important.

4 CHAIR PORTER: Thank you, Mayor.

5 MR. PEDIGO: Thank you.

6 CHAIR PORTER: Any other questions?

7 Make this short, Ben, we've been an hour and ten minutes,

8 and we're probably --

9 MR. GARDENHIRE: It will be real short. It will  
be real

10 short.

11 CHAIR PORTER: Okay.

12 MR. GARDENHIRE: First of all, I will agree with  
what

13 Tommy said. Where this comes in is, again, is what we said awhile ago. You didn't

14 call the commissioners down here, but you've got remember one thing,  
they're one of

15 our biggest funders. All we do is ask questions about money. I  
don't see anything

16 wrong when somebody is asking about revenue if they are giving to our  
center. I don't

17 think they've actually step in and said we want to do this. They're  
saying, hey, if we're

18 one of the biggest contributors -- you've got to remember, they're  
contributing more

19 money than the City is.

20 Tommy is a city mayor, Herd is county mayor. So  
somebody

21 has got to represent them, if Herb don't ask, what's wrong with the county

22 commissioner asking. It's not the fact -- and that's just my point again. It's just that

23 they say, okay, let us maybe put our two cents worth in because we're putting in,

24 again, a bunch of county people's tax dollars.

25 And again, we don't get to get all the ends together because

1 everybody's not maybe getting facts. It's not the fact that maybe  
somebody is lying.

2 Just like the cost of the building. The building cost \$73,000 to  
build. A 73,000

3 building. Put your pencil to it. Have we got any use out of that  
building for ten years?

4 You got it for \$73,000. Some of them said it cost \$175,000. It's in  
black and white, it

5 cost \$73,000.

6 But anyway, I appreciate it.

7 CHAIR PORTER: Other questions before we go into  
8 deliberations?

9 MEMBER BILBREY: No, but I've got one more speel.

10 CHAIR PORTER: Do you want to make it or do you  
want to

11 wait until --

12 MEMBER BILBREY: I'll wait.

13 CHAIR PORTER: Any other questions of the White  
County

14 folks?

15 I appreciate you-all coming and the job you-all  
do. I just

16 want everyone to realize that we have a job to do, too. That's what  
we're appointed to

17 this board to do, is to try to oversee the 911 operations, and we  
just want to make

18 sure we have our facts straight before we make that decision and try  
to have as much

19 information as possible.

20 MS. ENGLAND: We appreciate -- we appreciate your  
time

21 and we appreciate what you are doing for us and we would like to work  
closer

22 together with you if that's possible.

23 CHAIR PORTER: I hope so. And I think that would  
be very

24 good.

25 Okay, we're going to go into deliberations now.

1 Charles, do you want to say it now or do you want  
to --

2 MEMBER BILBREY: The only thing that I want to say  
is that

3 was a long discussion of the Mayor's there, but the point is, in 2001  
we approved this

4 under the condition that the funding would remain the same by all  
parties. And that

5 hasn't changed. Irregardless of how it was changed, who changed it,  
who asked

6 what, where, or when; that's the only statement we're making. We  
don't -- we didn't

7 expect it to be changed in any way.

8 But the thing was it was approved on that basis,  
every one

9 we've ever approved has been on that basis. So I don't know where  
the big

10 discussion is coming from about all the different funding and so  
forth and so on. But

11 it's very simply -- I don't know how much money is involved there,  
but whatever you

12 were paying in 2001, it should have continued on, 2002, 2003, 2004.

13 Now whoever made the change, you know, I'm  
disturbed

14 because it was pretty plain, pretty straight forward when we made the  
approval.

15 That's all I've got to say.

16 MEMBER MOODY: Could I --

17 CHAIR PORTER: The board's open for discussion,  
18 motions, whatever you want to do.

19 MEMBER MOODY: -- follow up on that, what Charlie  
was



20 saying. We did say at that time that the local governments did not  
have to increase.

21 MEMBER BILBREY: No, it had to remain the same.

22 MEMBER MOODY: Just remain the same. Same dollar  
for

23 dollar, in other words.

24 MEMBER BILBREY: We weren't going to replace any

25 dollars. That's the point.

1 CHAIR PORTER: Comments, discussion, motion?  
What's

2 the will of the board?

3 MEMBER MOODY: Mr. Chairman, I feel for these  
folks in

4 terms of their need for additional funds. Serving as chair the  
finance committee of our

5 911 in Knox County, I know the dilemma that you're in. And  
certainly, I can see that

6 there's a need for a continuation of the rate increase based on the  
information that

7 has been presented and what we heard from both the County mayor and  
the City

8 mayor.

9 I guess one of the things, though, that concerns  
me a little

10 bit is the fact that a major portion of this money is going into an  
expansion of the

11 current building, as well as some upgrade of the current facility,  
and the fact -- and the

12 very fact the 911 board does not actually own the building because  
there is that

13 reversionary clause, and the fact that there is some controversy and  
some conflict

14 among board members in White County in terms of whether it's the most  
appropriate

15 thing for them to build on and make those improvements, so that does  
concern me a

16 little bit. And I wonder if there's some way that we could approve  
this rate increase

17 with some contingencies or something. I just simply share those  
concerns.

18 CHAIR PORTER: Freddie, did you --

19  
before, let

MEMBER RICH: Let me just throw -- as I've done

20 me just throw this out and make a motion and see where it goes from  
there.

21  
another three

I move that we approve this rate increase for

22 years.

23

CHAIR PORTER: Do I have a second?

24

MEMBER LOWERY: Second.

25  
we --

CHAIR PORTER: I've got a motion and second that

1 motion by Mr. Rich and a second by Mr. Lowery -- that we approve the increase, the

2 increase of the White County rate increase for three years.

3 MR. HAYNES: Mr. Chairman, I would just -- a point of order

4 that I think it was the three rate increases cases that you-all approved at the last

5 board meeting in May, those were done for only two years because of the possible --

6 potential legislative outcome from the TACIR study on how 911 district funding -- local

7 government funding to support 911, how that analysis and how it could possibly have

8 a legislative implement recommendations from the TACIR study.

9 So I think out of fairness, the board just at least has to

10 consider, anyway, that you're treating White County differently than the three districts

11 that come before you back in May.

12 MEMBER RICH: Point well taken.

13 CHAIR PORTER: You want to change that to two years

14 then?

15 MEMBER RICH: Yes

16 MEMBER LOWERY: Okay with the second.

17 MEMBER MOODY: Once you set the building and the expansion and upgrades are major portions of this additional money, would you be

18 willing to also put in there a contingency that the White County board and the two

19 governmental entities somehow resolve the issue of what they're going to do in terms

21 of owning the building or moving or doing what their legal counsel  
said, going with

22 eminent domain and actually acquiring the dirt, as he called it, that  
that building is

23 currently on, would you --

24 MEMBER RICH: You know, you throw that amendment  
out.

25 I know there are several places, including mine, that it's on County  
property, it goes

1 back to the County, if we decide to leave it. Also, in this case, I don't think this

2 eminent domain, if they're going to keep the property but it belongs to the one that

3 gave it or donated it to us, the use of. So any kind of amendment you want to attach

4 to it, but I just wanted to get it on the floor.

5 MEMBER MOODY: If the County owns the property, or the

6 City owns the property, for that matter, and there was a reversionary clause that it

7 would revert back to either one of those governmental entities, then I feel okay about

8 that in that it would be going back to the people. And in this case it's not going back

9 to the people, it's going back to an individual. And to me, that kind of makes a

10 difference.

11 Legal Counsel, can you help me with an amendment?

12 MS. QUESTELL: I will certainly give it a shot. What would

13 you all think about -- and I'm just throwing this out off the top of my head, so --

14 granting the rate increase request for extension contingent upon the ECD informing

15 us within a time certain that this issue has been resolved, that there has been a

16 decision about whether they would move their PSAP, whether they would just

17 continue as they were and improve it or have a new building, just so that we would at

18 least have some certainty about the ownership of the property and how the funding

19 that you're providing them would be spent.

20 I mean, are you uncertain about whether they're  
actually

21 going to improve the present PSAP?

22 MEMBER MOODY: Obviously, there must be some

23 differences of opinion locally. You know, i don't know, but  
apparently there seems to

24 be.

25 MS. QUESTELL: Would you-all be opposed to hearing  
from

1 counsel for the district, if he has any idea? Mike, would that be  
all right?

2 MR. MAHN: I'm Mike Mahn, counsel for the  
district.

3 Mr. Chairman and General Counsel, the amendment ms. Moody suggests to

4 Mr. Rich's motion, I think it's appropriate. What I would suggest, I  
think it would be in

5 all our interest, as Mayor Pedigo pointed out, the building committee  
is -- before one

6 penny is spent on further expansion, the building committee will  
resolve where that

7 expansion would be. And If you want -- rather than condition the  
entire rate, just

8 maybe just say, no funds will be spent for building an expansion  
until such time this

9 board -- the local board district informs this board of its intention  
of where it would

10 go.

11 If you wanted to further condition it, and this I  
would hope

12 that you would maybe take under advisement, that they obtain fee  
title, clear title to

13 the underlying land before they make further investments in the  
property. We would

14 do that. They -- I think the board's concern in the past has been,  
if we're not moving

15 why pay 10, 15, \$20,000 for, you know, an a reversionary clause that  
we -- that will

16 never be exercised.

17 But if it resolves this, you know, this concern,  
then we could

18 approach the owner and either take it -- and, you know, negotiate  
under of threat of



19 condemnation, or, you know, either -- maybe the owner, who is a --  
really, one of the

20 pillars of the community, and has been --

21 MR. HAYNES: Is he not one of the larger land  
owners of

22 the --

23 MR. MAHN: Well, I wouldn't characterize him. I  
do know he

24 served as county mayor -- or county executive. And I was -- worked  
with the board

25 when this transaction occurred, and that's what they wanted to do.  
And they were

1 literally on a string and, you know, a small budget using prison  
labor and all this. And

2 he threw in the land. And he said, well, I don't want you to turn  
around and sell it for a

3 7-11, you know after I'm --

4 MR. HAYNES: Will he not just sell the land to the  
district?

5 MR. MAHN: Well, I think that could be negotiated.  
Again,

6 some of the board has said, why pay for something that's been given  
to us and we're

7 going to stay here. That's been that discussion.

8 But if you wanted to condition that, I can't speak  
for the

9 board, but as legal counsel I would not object to that, and I think  
that would be

10 reasonable and we could accommodate that. But restricted to the  
funds for the center

11 and not to hold Harry up on doing other necessary, you know,  
expenditures.

12 MR. HAYNES: Mike, I asked Harry just a few weeks  
ago

13 when I actually visited the site, why not just do that. And I can't  
remember the exact

14 reason why, but Harry was -- didn't feel like that was a very wise  
option to pursue.

15 And I trust, well -- and I'm just assuming, I guess he knows better  
than anybody else

16 what his business ought to be. And I just kind of left -- left it  
alone.

17 And the other thing too, I don't know how they do  
things in

18 the Cumberland Plateau but over in the Mississippi Delta where I'm  
from, you don't go

19 around and condemn somebody with this many holdings, it just doesn't happen,

20 literally. They don't do things that way around here. And I'm sure they don't in the

21 Cumberland Plateau either.

22 But based on my soil science background, the one thing

23 about that whole facility, and I haven't raised it yet, that concerns me that I think some

24 professional ought to take a look at -- Harry told me the place was built on the

25 caverns. Now, that's not the end of the world, the Thomspen Building Arena where

1 they play ball at UT every weekend is on top of limestone caverns too, and it's still

2 there when they fill it up.

3 But I do think, in good faith, that if it's widespread through

4 that area, enough that insects were coming out that Harry had to make some special

5 pesticide applications for, which shows that they're fairly close to the surface, it might

6 not be such a bad idea to have some professional engineer or outside consultant

7 certify that whatever you-all want to use that property for -- we're not talking about

8 putting a cattle barn on it, for God sakes, we're talking about putting the only dispatch

9 center in the county on that piece of property, and maybe what the board would

10 condition some sort of verification that that site is suitable for not only expansion but

11 for that use.

12 And, Harry, I know you're up there in audits, I'm not doing

13 this to be a thorn in your side. But to me it just seems like the common sense thing to

14 do if you're going to dump thousands -- tens of thousands of dollars in a facility, I

15 mean, you have to get that kind of approval building a home; flood plain certification,

16 whatever may be the case, Freon certification. I think it's only reasonable to do that to

17 the one and only 911 dispatch center in the whole staff.

18 But that's just something that the staff offers for the board's

19 consideration.

20 MR. MAHN: Mr. Chairman, I think Mr. Pedigo and  
other

21 members of the building committee, very likely will receive that  
suggest very well and

22 look at the formations and whatever underlying geology there might be  
as to whether

23 that's an appropriate long-term location.

24 And we will resolve the deed thing, if you would  
like to see

25 that done.

1 CHAIR PORTER: Thank you, Mike.

2 MEMBER MOODY: Mr. Pedigo or mayor Pedigo, would  
you

3 feel comfortable if we put the contingency in there that you-all as a  
community resolve

4 the issue of the building that will serve as the 911 center for the  
future.

5 MR. PEDIGO: That has been the discussion of the  
building

6 committee, and that is a concern that can be resolved, I think,  
without any problem.

7 MEMBER MOODY: Okay.

8 MR. PEDIGO: And I totally agree with what you-all  
are

9 talking about, that needs to be done.

10 MEMBER MOODY: I suggest that we put another  
11 contingency that before any of the money dealing with the building,  
whether it be

12 renovations, upgrades, or additions were affected that the community  
of the ECD

13 people must decide what the best situation is as far as the building  
goes and report

14 back to this board. And shall we put a time frame on it?

15 How much time do you need, Mayor?

16 MR. PEDIGO: Let me throw out a number.

17 MEMBER MOODY: Okay.

18 MR. PEDIGO: 90 days?

19 MEMBER MOODY: I was going say six months.

20 MR. PEDIGO: Six months would be great.

21 MEMBER MOODY: Within six months.

time. 22 MR. PEDIGO: Yes, that would give us plenty of

23 CHAIR PORTER: You make that in the form of an

24 amendment?

25 MEMBER MOODY: I'll do that.

1 CHAIR PORTER: So we now have to extend the rate  
2 increase request to June 30th of 2006 and the land problem be  
resolved by the --

3 MEMBER MOODY: Or location.

4 CHAIR PORTER: -- or location of what you're going  
to do

5 with your building in six months and be reported back to this board.

6 Other discussion, questions, or amendments?

7 MEMBER BILBREY: When do we make another

8 amendment, now?

9 CHAIR PORTER: Yes.

10 MEMBER BILBREY: I want to make an amendment that  
this

11 is contingent upon the funding of all parties, that it revert, I  
believe, back to 2003,

12 that's the last time it was consistent? Harry, is that right? 2003?

13 CHAIR PORTER: You're making that --

14 MEMBER BILBREY: I'm making that as an amendment.

15 And the funding level as -- I would say the best way would be as  
specified in the

16 interlocal agreements, and that would be -- what, Sparta, White  
County? Is that right?

17 MR. COLE: I'm sorry, what --

18 MEMBER PURKEY: That's right.

19 CHAIR PORTER: So, Charlie, you're making an

20 amendment that the rate increase request be contingent upon funding  
reverting back

21 to what it was in last year's budget and in the prior budgets  
according to the interlocal

22 agreements?



23 MEMBER BILBREY: Exactly.

24 CHAIR PORTER: Do I have a second?

25 Hearing none --

1                               MEMBER MOODY: I will second, but then I want to  
raise a  
2 question.

3                               CHAIR PORTER: Okay. So I have a motion and a  
second  
4 to amend the motion by Mr. Bilbrey and the second is by Ms. Moody.  
Okay.

5                               MEMBER MOODY: On Table 3 down at '201, and that's  
6 when the rate increase was originally, first considered, down on the  
interlocal --

7 intergovernmental revenue, the revenue was \$252,069. Then it's gone  
up, and '203

8 was 299,000. So in essence, if it were kept at the 252,000 level,  
that's all Mr.

9 Bilbrey's motion is in essence is saying, isn't it?

10                              MEMBER BILBREY: Since we are continuing at this  
point

11 what we did then, yes, that what's we would be saying.

12                              MEMBER MOODY: So, in essence, White County and

13 Sparta in '202 and in '203 actually appropriated more dollars than  
they had to.

14                              CHAIR PORTER: Let me make just a clarification  
statement

15 on what they're saying. I know Mayor Pedigo's first position, so I  
know their type of

16 budget and revenue and so forth, but, the one thing that worries me,  
is that this board

17 by Tennessee state law is only allowed to raise the rates of where  
you're at right now.

18 We can't go any higher. This is it. So if the City and County start  
reducing the

19 amounts they're putting into the center, at some point in time you're  
going to be back

20 in the same shape you were before you came and asked for the rate  
increase

21 request.

22 That's what worries me. Then when we get to that  
point

23 we're in the Jackson County situation, like we saw recently, that  
their default on their

24 loan, they're in financial trouble. That was my point, Mayor, is  
that from visiting

25 around this state over my six years on this board, I saw a lot of  
cities and counties

1 that would love to only be funding \$75,000 for the dispatch for all  
the emergency

2 agencies. That's pretty cheap, you couldn't do that, you know,  
yourself, on your own.

3 But my concern is the future, that the next three,  
four, five

4 years down the line if the City and County doesn't keep funding into  
it, that you-all will

5 be back before, not asking for a rate increase, because we can't do  
any more, but

6 being financially distressed and in financial trouble and we may not  
have anything to

7 be able to help you with.

8 MR. PEDIGO: May I respond to that?

9 CHAIR PORTER: Sure.

10 MR. PEDIGO: I have a bi-fold in this. Speaking  
with two

11 halves, one as the mayor and as a 911 board member, I personally  
wasn't familiar

12 with the -- where this came from is to reduce that amount. We were  
having -- if you

13 remember at the time, Harry came to the City and to the County and  
requested the

14 money, what we did is -- it was just about the same time that the tax  
shared revenues

15 had been taken away, and we were really strapped. And we put the  
thumb on Harry

16 as far as the City and the County was concerned about we cannot be  
spending -- we

17 don't have any money, we are almost like these counties that you're  
talking about.

18 If you noticed in your -- and we did not know that  
-- let me

19 just say I did not know that there was any deal of it could not be funded for less. I

20 understand where you're coming from. But if you look at the budget, you see that

21 that's one year. That's just one year. Next year it goes back to the 225 and the

22 so-and-so.

23 I would plead with this group to -- and I don't know how you

24 do that -- I certainly respect that you've got to fair with everybody, and I respect your

25 position, Mr. Bilbrey, but I would really plead with this board to allow us to set the

1 situation straight about the building, as Ms. Moody said, get that straight, and

2 understanding that there is a clear title or deed title to that property.

3 We're trying to fund 911 the best we can. We're basically

4 adding another \$150,000 when we put that back in, but that's for one year. And that

5 certainly helps us. Here again, I don't mean to be standing here saying or

6 foremapping my city or even the county, but that is a major deal.

7 And I would request, and I know I can't do this, but I would

8 request that the two first amendments be agreed to, but the last one, I would

9 respectfully ask you that you not force us to have to do that.

10 CHAIR PORTER: Mayor, I have one more comment and I'll

11 let you respond to it. One thing that you know from being in city and county

12 government, that if you ever lower something it's really hard to bring it back up the

13 next year. And I know a question that I would have is, if it's granted to allow it to be

14 reduced this one year, is there going to be that guarantee that the City and County

15 will go back to their --

16 MR. PEDIGO: You're exactly right. And I cannot speak to

17 that. I don't have the authority to speak to that.

18 But if I can go back -- just one time I would like to go back

19 and remind you, comparing White County to Hamblen County, the County was

20 spending 223,000, I believe is on there, \$223,000 to fund 911 with  
23,000 -- with

21 25,000 people. And Hamblen County was spending 147,000. And how can  
-- and I

22 know this is not part of 911, but how can we bring more industry into  
our area, how

23 can we bring more jobs into our area if we don't have the money to go  
out and get

24 those. And we're doing it because we are a small county trying to  
service the same --

25 give the same services that Knox County, Hamblen County, Metro-  
Nashville is

1 serving, but it costs per person so much more money.

2 And that is a dilemma that I'm sure that -- our  
largest factory

3 has just announced they're gone, they're going to China. That's what  
Herd and I are

4 worried about. What's going on with 911 is way back on the burner.  
But it's very

5 important. Because we got jobs to fill.

6 MEMBER PURKEY: How many jobs, Mayor?

7 MR. PEDIGO: 400 jobs. And that's the largest  
factory we

8 had. And they're gone before the end of the year.

9 CHAIR PORTER: Thanks, Mayor, appreciate it.

10 Okay.

11 MEMBER BILBREY: Let's change the amendment from  
12 2003 to 2001.

13 CHAIR PORTER: Going back to the original rate  
increase

14 request when it was \$252,069. Is that okay?

15 MEMBER MOODY: Yeah, that's fine. I can't  
understand

16 how -- Harry must have been pretty slick that he was able to get you  
guys to give him

17 another almost \$50,000 for '203.

18 MR. PEDIGO: Thank you, Ms. Moody, that is duly  
noted.

19 MEMBER MOODY: That's slick.

20 CHAIR PORTER: Okay. We have an amendment on the  
21 floor. Any discussion on the amendment?

22 The amendment is to -- the City and County to  
revert back



23 to the original funding in 2001, this is to go into effect -- we're  
going to vote on that

24 amendment first.

25 All in favor of the amendment say "aye."

1 THE BOARD: Aye.

2 CHAIR PORTER: All opposed?

3 MEMBER PURKEY: Mr. Chairman, I'm going to vote no  
on

4 the amendment. If there was not a plan in the '05/'06 years to send  
it back up, and

5 that plan is there to do that, then I would understand my friend  
Charles' amendment.

6 But I vote no.

7 MEMBER RICH: No.

8 MEMBER LOWERY: No.

9 CHAIR PORTER: We'll do a roll call vote then.

10 Mr. Vickers?

11 MEMBER VICKERS: No.

12 CHAIR PORTER: Mr. Lowery?

13 MEMBER LOWERY: No.

14 CHAIR PORTER: Mr. Rich?

15 MEMBER RICH: No.

16 CHAIR PORTER: Mr. Purkey?

17 MEMBER PURKEY: No.

18 CHAIR PORTER: Mr. Bilbrey?

19 MEMBER BILBREY: Yes.

20 CHAIR PORTER: Ms. Moody?

21 MEMBER MOODY: Yes.

22 CHAIR PORTER: Ms. Cobb?

23 MEMBER COBB: No.

24 CHAIR PORTER: The motion on the amendment fails.

then 25

MEMBER MOODY: I guess I have a question. Are you

1 going to include the exemption to that to put that back up to the  
amount that's include

2 in reimbursements?

3 MEMBER PURKEY: Well, I guess the only thing I  
have to

4 go by, Wanda, is the five-year plan. And it doesn't show it going  
all the way back up,

5 but it shows White County going to 225 and the City of Sparta going  
to 75.

6 MEMBER MOODY: That's more than what the '201 was.

7 MEMBER PURKEY: That's more. So I guess in light  
of that

8 plan, that's what the five-year plan shows.

9 MR. PEDIGO: Could I just make this comment?

10 CHAIR PORTER: One more. Come on up.

11 We need to move on. We're coming up on two hours  
on

12 this thing.

13 MR. PEDIGO: Two hours more than we wanted.

14 CHAIR PORTER: I understand.

15 MR. PEDIGO: I'm looking at our budget that we've  
already

16 passed, because the City has already passed their budget after we got  
that budget.

17 We're going to have to go back and amend our budget again, and the  
County is going

18 to have to go back and amend theirs. What I would respectfully  
request that this

19 board do is allow us to keep it the way it is this year, and I would  
ask -- Ms. Moody, I

20 appreciate you pointing that out -- that next year we go back -- to  
at least go back to

21 the 2001/2002 budget.

22  
participating --

CHAIR PORTER: That's when you-all were

23

MR. PEDIGO: Yes.

24

CHAIR PORTER: He's talking about going back --

25

MR. PEDIGO: Yes.

1 CHAIR PORTER: -- we're talking 2005 --

2 MR. PEDIGO: Yes.

3 CHAIR PORTER: -- is when you-all will revert back  
to the

4 2001 funding?

5 MR. PEDIGO: That's right.

6 MEMBER MOODY: Are you going to make that motion -  
-

7 amendment a contingency? Because this is a five-year plan, it's just  
a plan, it has no

8 teeth in it whatsoever. And unless the rate increase has a  
contingency in it, you

9 know, it's not worth the paper it's written on.

10 MEMBER PURKEY: I think they've indicated to us  
it's at

11 least their intent.

12 MEMBER MOODY: I'll make the amendment.

13 CHAIR PORTER: Do I have a second?

14 MEMBER BILBREY: I want to --

15 CHAIR PORTER: Wait just a minute.

16 Do I have the second?

17 MEMBER PURKEY: I'll second that.

18 CHAIR PORTER: Now go ahead.

19 MEMBER BILBREY: I want to go back, that was their  
intent.

20 The intent in 2001 was something else entirely different. I'll leave  
it at that.

21 MEMBER PURKEY: Well, I just think there's a lot  
of other

22 factors that have happened here. And one thing we've learned -- and  
I've been on the

23 board since its inception -- is that we can't go into communities and make people get

24 along. And I respect the position that Herd is in. There's nothing worse as a county

25 mayor than having a board that you appoint that can't get along. It's a thorn in your

1 side every week. Because you got different members wanting to remove  
some of

2 those members and make them get along. And I think this is a very  
unusual situation.

3 I guess, I'm -- I know the five-year plan is just  
a plan, and I

4 understand that. But we've got to base our decisions on something,  
and that's what

5 we've got before us. And that's the reason I would support Ms.  
Moody's amendment.

6 MEMBER BILBREY: To allow them this one year --

7 CHAIR PORTER: Basically give them a freebee year.

8 Other discussion?

9 MS. QUESTELL: Could we please clarify the  
amendment

10 just for the record so that everyone is clear?

11 MEMBER MOODY: The contingency is that in the year  
--

12 it would be 2005 and '06, that the contributions from the local  
governments, the

13 City of Sparta and White County revert back to the same amount that  
was

14 appropriated in 2001. And that's giving them \$50,000.

15 CHAIR PORTER: Other discussion or questions on  
the

16 amendment?

17 Hearing none, all in favor say "aye."

18 THE BOARD: Aye.

19 CHAIR PORTER: All opposed?

20 Okay. That amendment passes.

21 To the amended motion now, is there any other



22 amendments or discussion on that?

23                   Hearing none, the amended motion is that we  
approve the

24 White County rate increase extension request for two years, to June  
30th, 2006;

25 give the City and County and 911 board six months to work out their  
land problems;

1 and that in the 2005-2006 budget, the County and City's contributions  
to 911 revert

2 back to the 2001 funding.

3 Everybody understand the motion?

4 All in favor say "aye."

5 THE BOARD: Aye.

6 CHAIR PORTER: All opposed like sign.

7 The motion carries.

8 Folks, thank you for coming. I hope that works  
out for you.

9 And I hope you can get your problems straightened out and you can  
move forward.

10 Good luck. Thank you.

11 Members, it is 15 minutes after 12. We have two  
more rate

12 increase requests as far as what's on the agenda. Do you want to  
break for lunch

13 or --

14 (Discussion among board members.)

15 CHAIR PORTER: Okay. We'll take a five-minute  
recess

16 and we'll come back and hear Bledsoe County.

17 (Break in proceedings.)

18 CHAIR PORTER: Okay. We're going to come back to  
order

19 and back in session. And the next item on the agenda is the Bledsoe  
County ECD

20 rate increase request.

21 Do the Bledsoe County folks want to come up and  
have a

22 seat at the table.

23  
folks that

Billy, do you want to introduce yourself and the

24 you have with you.

25  
Bledsoe

MR. FIELDS: I'm Billy Fields, director of the

1 County 911 center; Kenney Rogers is the chairman; and this guy here,  
he's from

2 Cumberland County, he's helping us with this.

3 CHAIR PORTER: I guess, Bill, you'd be a  
consultant, would

4 that be your title in this?

5 MR. HUNTER: A helper.

6 CHAIR PORTER: Bill Hunter is the director of the  
7 Cumberland County 911 and agreed to assist.

8 MR. HAYNES: Mr. Chairman, may the staff say at  
this time

9 that we appreciate the working relationship we have with Mr. Hunter,  
he's real

10 passionate about getting information and we can always call on him.  
It's the way it

11 ought to be.

12 CHAIR PORTER: Bill is to be commended for what  
he's

13 done for these folks, and we appreciate it.

14 MR. HUNTER: If I can tag onto that. It's due to  
the

15 cooperation we have from your staff in putting this together. It was  
a two-way street.

16 And Don worked wonders.

17 CHAIR PORTER: Good. That's the way we like to  
see it.

18 Good.

19 Okay. Don, you're on.

20 MR. JOHNSON: Okay. Bledsoe County is here for a  
rate --

21 well -- yeah, for a rate increase. They are a new CAD district.  
They're not in



1                               The reason for the rate increase, they want to pay  
for

2   equipment upgrades, expand the facility, and support operational  
costs. They had a

3   public hearing February the 4th of 2004. And they had no person to  
be present and

4   there were no questions asked.

5                               As far as -- of course, the additional money would  
go for

6   consolidation of the 911 dispatch center. Also, future plans would  
be for the

7   emergency medical dispatch and addressing and the GIS updates and the  
updates

8   for, also, the radio communications equipment.

9                               Also, here in our case study you can see the  
agencies that

10   they support. They currently don't have any call data because it's a  
new district. So

11   that data is not included in here.

12                               They have one director. And they anticipate  
hiring four

13   dispatcher/call-takers in the immediate future.

14                               Also, if this rate increase is rejected -- okay.  
If this rate

15   increase is rejected, the other alternative would be to delay or  
suspend the 911

16   service in Bledsoe County until adequate funding is provided. This  
is their first

17   attempt to raise their rates.

18                               And as far as outstanding debt, they have \$12,700

19   remaining payment of a contract retainage with the PSAP equipment.  
And it will be

20   released after a 60-day test run.



1 customers were 4,875 and their business customers were 1,127.

2 They have a comparative table, Table 5, for the  
past five

3 years from their audit reports. It shows how -- you know, what their  
financial

4 statements were.

5 As far as the five-year projection, in Table  
number 5 it talks

6 about their -- they plan to commence the -- they plan to start their  
rate increase -- they

7 put this application in earlier but the board is just now getting a  
chance to hear it. So

8 their plan has pretty much started in September.

9 So they've got interlocal agreements with the  
County. And

10 as far as with the County, they -- the district transfers the County  
ownership of the

11 PSAP equipment.

12 As far as fiscal year 2005, that projected  
increase is

13 \$63,249, and that's \$128,322 with the increase and 65,073 without the  
increase.

14 Which would produce a net income of 11,754. They would continue to  
have that

15 projected -- continue having that net income following all the way  
through 2009, which

16 it would be 21,112.

17 As far as Table 6, what my financial projections  
are, I've got

18 them in 2005 to have a net income of \$9,754. And it's projected --  
the income is

19 projected to continue with the ending net assets for fiscal year 2009  
is projected to



20 decrease to 463,822.

21 Like I said, as far as the interlocal agreement,  
they've got a

22 written agreement, which is included in your packet. It starts --  
the term is from

23 April 1st, 2004, through March 31st, 2008. They plan to renew the  
agreement for an

24 additional, unlimited term of four years.

25 As I mentioned earlier, the County will manage the

1 communication center and the equipment will go into the hands of the County. And

2 also the County agrees to maintain the equipment. And in addition, the County

3 agrees to return or replace the equipment if the agreement is terminated.

4 They're also working with -- or talking with the City of

5 Pikeville and possibly considering paying a -- giving a share of the funding also.

6 And that's pretty much it.

7 CHAIR PORTER: Any questions for Don?

8 MEMBER PURKEY: Don, the overage in travel, for such a

9 small operation this seems like a lot. What's going on there? Can you tell from the

10 audits?

11 MR. JOHNSON: No, you couldn't really tell. You know,

12 basically it's one of those situations where you don't plan to go as many places -- it's

13 probably, most of that is from training.

14 MEMBER PURKEY: Okay.

15 CHAIR PORTER: Other questions?

16 Okay, Don. Thanks.

17 Rex.

18 MR. HOLLAWAY: Mr. Chairman, for the record let me just

19 state that this information I'm about to present was gleaned as a result of my prior

20 contract with Bledsoe County, and -- so I did not charge the State, the ECB a fee for

21 the site visit.

22 CHAIR PORTER: Thank you very much.

23 MR. HOLLAWAY: I'm sorry for the confusion,  
apparently I

24 have a corrupted data file and so we changed. If we could get the  
lights dimmed.

25 Okay.

1                               This picture was taken probably, I don't know,  
shortly after

2   the building was constructed. So it's obviously a little bit  
different now than it was at

3   this junction. But this is essentially the building, it's like a  
house, where the PSAP is.

4   And there's a lot of space in the basement of the building.

5                               And Don had covered some of this. They're going  
to be

6   answering all the calls for the entire county.

7                               The 911 equipment itself, the controller has been  
installed,

8   they purchased a TCI controller for the communications and have set  
up two positions

9   on the main floor of the building.

10                              They recently have developed and are practically  
completed

11   with their county-wide addressing system. New radio consoles have  
been purchased

12   and are due to be installed within the next two or three weeks at  
this point. And, of

13   course, the director, Billy Fields, is now on board.

14                              Again, this is the building. The dispatch  
positions. There

15   also is a full basement level of the building which is appropriate  
for an expansion area

16   should they need it. Addressing maintenance will be performed in  
the same building

17   in a separate area than from the dispatch area.

18                              This is the old dispatch center, on the upper left  
there. So it

19   was obviously not really capable of having a state of the art  
dispatch center. It's an

20 honorable building, the building was probably a hundred and something years old.

21 And the space they had here, it was literally almost an eight-by-eight space is all they

22 really had, is all they really had to run the dispatch center. So they obviously needed

23 some space.

24 And just some more photos.

25 CHAIR PORTER: Any questions of Rex?

1 Thanks, Rex.

2 Billy, you're ready to -- ready to start  
operations any day. I

3 hear the open house is July the --

4 MR. FIELDS: The 22nd. That's next Thursday.

5 CHAIR PORTER: Very nice building. Myself and  
David and

6 Ike and Freddie visited your county, we were just tremendously  
pleased with the work

7 that you-all had done. That's a nice building.

8 You-all have anything you'd like the say, you or  
your folks?

9 MR. FIELDS: Well, I might add that today they are  
putting

10 in the radio consoles. And Monday is the day scheduled for the PSAP  
equipment.

11 So, hopefully, the test that will be held on Tuesday, and if  
everything is okay, we'll

12 crank up on Wednesday.

13 CHAIR PORTER: Good. I hope it works out.

14 Any questions of the Bledsoe County folks?

15 MEMBER LOWERY: Is this center -- I think I  
understand it

16 here. I want to be sure. It's not owned by the 911 board?

17 MR. ROGERS: No, it's on city property.

18 MEMBER LOWERY: You don't operate under some

19 contract?

20 MR. ROGERS: I want to say that that property was

21 Industrial Park and it was the donated to us.

22 MEMBER LOWERY: With a clear deed?

23

CHAIR PORTER: Other questions?

24

else beside

Billy, tell me it ain't true. Do you do something

25 the 911 director? Are you going to do something, do you have another  
job?

1 MR. FIELDS: Just mapping.

2 CHAIR PORTER: That's all?

3 MR. FIELDS: At this point I don't.

4 CHAIR PORTER: You're not going to work for that  
salary,  
5 are you? If you do, you're going to be making a big donation to the  
County.

6 MR. FIELDS: You know, beggars can't be choosers,  
I  
7 guess.

8 CHAIR PORTER: That's admirable that -- that you  
do that.

9 Yeah, I was going to say, \$20,000, that's just not much to be a 911  
director. I'd hope  
10 the County would look, once you-all get going, get back going to  
raise you. Cause  
11 that's going to be whether the center makes it or not, will be the  
director and the  
12 employees. So that means a lot.

13 MR. FIELDS: Thank you. And I wouldn't mind at  
all if you  
14 gave the county mayor a call.

15 MR. HAYNES: Mr. Chairman, I think there's a very  
practical  
16 side of what you're saying. That is, the problem -- the work that  
you've just recently --  
17 the responsibility this board recently incurred with dispatcher  
training standards, the  
18 course of study approvals, and how the staff has worked with that  
advisory committee  
19 looking at the challenges facing dispatchers and being able to do  
that, that -- and in



20 this very case someone has built or helped get this PSAP going, it's just like the

21 dispatchers, could easily be offered twice that salary for his amount of experience and

22 expertise in this area. And the last thing -- I'm not thinking of it from his perspective

23 but from a Bledsoe County perspective, it would be a real shame to lose a person like

24 him simply because he's got to think of his bottom line and go to another county and

25 double his pay.

1                                    So the staff just offers that to the board and  
wanted to get it

2    in the record.

3                                    MEMBER PURKEY: I kind of got tickled,

4    Mr. Chairman, when you asked him if that was all he was going to do -  
- oh, I'm going

5    to do mapping, too.

6                                    CHAIR PORTER: I thought he was going to tell me  
he was

7    the MS director or something else down there and he was doing this as  
an added

8    outlet.

9                                    Other questions of the Bledsoe folks?

10                                  MEMBER LOWERY: Will the maintenance of    the --  
I'm

11    sorry. Will the maintenance -- I noticed that you put the PSAP  
equipment to the

12    County. And as the 911    director -- because the 911 board is  
directly responsible for

13    the operations, at least in our case. But you-all will still be, as  
far as the 911 board,

14    over that equipment and responsible for it?

15                                  MR. HUNTER: What I understand is, that the 911  
board is

16    responsible for the purchase of the equipment and any upgrade of the  
equipment.

17    However, maintenance of the equipment goes back to the County and the  
County will

18    take care of that.

19                                  MEMBER LOWERY: And what about the telephone side  
of

20    the contract?

21 MR. HUNTER: Same thing. According to the  
22 intergovernmental agreement, the 911 board pays for it, operates it,  
but any  
23 maintenance on it goes back to the County.

24 CHAIR PORTER: Any other questions?

25 MEMBER BILBREY: Yes. On these audit reports,  
2000,

1 lack of budget control; 2001, there was nothing; 2002, lack of budget control again. In

2 2003, you have lack of budget control, the overage on travel expenses, \$5,298. What

3 was that for? Do you have that information?

4 MR. HUNTER: Mr. Bilbrey, if I may, that was related to --

5 because I asked a question of that myself. That was during the time they were first

6 looking at the site and the setup for the site. They were doing a lot of traveling

7 around the state to visit other sites, plus conferences and stuff to have a better feel for

8 911. That's where the extra come in, was for that.

9 MEMBER PURKEY: Is it fair to say that they just didn't do a

10 budget, then, before the end of the year to take care of that?

11 MR. HUNTER: Yes. From what I understand there's been a

12 few other board members change since that time. It was probably just an oversight.

13 CHAIR PORTER: Other questions, Charles?

14 MEMBER BILBREY: No, that's all.

15 CHAIR PORTER: Anybody else have any other questions?

16 MEMBER BILBREY: I just wanted to ask one about that

17 interlocal agreement, where it says about the City of Pikeville, about their funding. I

18 think the way it states that -- I like that way it's stated. Let's get back to that. I lost it.

19 "The County may invite the City of Pikeville to become a full

20 financial partner by paying a fair and reasonable share of the net  
cost for the

21 dispatching and communication services provided by the County."

22 Have you invited them yet, to pay?

23 MR. FIELDS: I think they're expecting that.

24 MEMBER BILBREY: Have you asked them to pay their

25 share?

1 MR. FIELDS: Not at this time. No.

2 MEMBER BILBREY: Are you going to?

3 MR. FIELDS: Yes.

4 MEMBER PURKEY: I was just going to comment, Mr.

5 Chairman, it makes it so much -- I know we don't all have time to do  
it, but it makes it

6 so much easier to be able to visualize and consider what's on the  
table due to the fact

7 that we've been down there. We spent a lot of time there and I just  
don't have any

8 questions as a result of that.

9 It seems like we're not questioning them as much  
as we do

10 everybody else, but we've been there. It just makes a difference.

11 CHAIR PORTER: Any other questions?

12 Okay, folks, thank you. We appreciate it.

13 The board will go into deliberations now. The  
board is open

14 for discussion, comments, or motions.

15 MEMBER PURKEY: I move to approve the increase,  
Mr.

16 Chairman.

17 MEMBER RICH: Second.

18 CHAIR PORTER: I have a motion by

19 Mr. Purkey and a second by Mr. Rich.

20 MEMBER MOODY: That's with the two years until the  
21 TACIR study?

22 CHAIR PORTER: So we go to June 30th, 2006, two  
years.

23 Discussion?

24  
dispatcher grant.

I think Anthony is holding you-all's rural

25 So as soon as you-all go on line with your service, make sure you  
call and let us know

1 so we can release that money for you.

2 Hearing no discussion, all in favor say "aye."

3 THE BOARD: Aye.

4 CHAIR PORTER: All opposed like sign.

5 Motion carries.

6 You might have just set a record, Billy. I'm not  
for sure.

7 There's something to be said for being towards the last, you know,  
and not being first.

8 But you-all are doing a great job. And I know we  
saw that

9 firsthand, some of us, and the others saw the pictures. I was very -  
- compared to

10 what I saw at your old place, I had been over there a few times, and  
this new place,

11 there is no comparison.

12 MR. FIELDS: Thank you. We appreciate the board  
chair.

13 CHAIR PORTER: Good luck.

14 MR. FIELDS: Thank you.

15 CHAIR PORTER: I hope everything goes well for  
you.

16 The next item on agenda is the Tipton County rate  
increase

17 request. Do you folks want to come up, the Tipton folks. You can  
sit up there, but at

18 least sit on the front row for whoever is going to speak.

19 Mike, you want to introduce yourself and who  
you've got

20 with you.

21 MR. TAYLOR: Okay. My name is Mike Taylor, I'm  
the



22 chairman of the board. I've been the chair for about the past 12  
years. Mr. Bennie

23 McDow is our director of 911 in Tipton County. We have a director  
over the

24 administration dispatch, she has a family emergency, she's not here.  
And she's

25 basically the person who spent the last six weeks putting this thing  
together. She is

1 one of our communicators.

2 Sitting down to the left here is Mr. Bill  
Whitehorn, a resident

3 of the City of Covington. He's a board member. Sitting in back is  
Mr. Mike Massey,

4 also a board member. He's also a resident of the City of Covington.  
Mr. Bill Lumpkin,

5 who is our treasurer, and he's a resident of the City of Munford.

6 Vice chair of the board is the chief of police in  
Covington,

7 Clifford {Bevel. And he has some police work that precludes him  
being here. And we

8 have a fellow by the name of Jim Hayes that's also a merchant over  
across the river

9 from us, and he couldn't make it today. And we have one other board  
member, Mr.

10 Dickson who's a little under the weather and he couldn't make it.

11 CHAIR PORTER: Thank you, Mike.

12 Don, you're on.

13 MR. JOHNSON: All right. Tipton County is coming  
here as

14 a Level III District for a rate increase to \$1.50 and \$3. They are  
expecting the rate

15 increase -- if this rate increase is approved today, they expect to  
have it start

16 September 1st, 2004. They expect an average of 266,635 per year.

17 They had a public hearing on May the 25th, 2004,  
and no

18 citizens present or no questions asked.

19 Also, they plan to have the rate increase to hire  
more

20 telecommunicators. That would definitely increase the pay of those

21 telecommunicators, also in order to be more competitive around the  
area. And also

22 they want to hire four additional personnel.

23 And as far as anything -- as far as equipment,  
they don't

24 plan to purchase any equipment, at least that's what -- what they  
mention in here.

25 They have 11 dispatchers and two administrative  
people.

1                               As far as plan -- I mean, other actions to  
increase their

2       rates, they did -- they tried on April 21st of '97, they have  
increased the -- they started

3       out with 61 cents for residential and a \$1.95 for commercial. And  
then in '97 they

4       increased their rates to 65 cents residential and \$2 commercial.

5                               They began collecting that July the 1st of 1997.  
And then in

6       1998 they requested to replace it on the election ballot, on a  
referendum, and it was

7       vetoed.

8                               So as far as outstanding debt, they're in the  
process of

9       purchasing and installing a new -- telephone equipment and a CAD  
mapping systems.

10       And they also have     added -- or are in the process of adding 100-  
foot monopole

11       tower -- monopole tower at the communication center, building a room  
to relocate all

12       the radio equipment, and also installing new radio equipment.

13                               As far as the five-year audits, they -- by them  
being a small

14       district they've had constant or consistent segregation of duties  
findings. And as far

15       as the fiscal year 2003, which was the last fiscal year that we have,  
they had the

16       segregation of duties findings and also they had a fixed asset  
finding, which was that

17       the auditor noted that there was no inventory of fixed assets.

18                               They have three 911 trunks and four administrative  
lines.

19                               As far as the five-year plan, they continue to  
want -- want to

20 continue to increase the salaries by three percent each year.

21 Currently their -- well, as of June 30th, 2004,  
the residential

22 customers were 19,590. And the business customers were 3,413.

23 And Table 4 gives you a comparative of their past  
five audit

24 operating statements.

25 For their five-year projection plan, Table 5 will  
show that the

1 district expects to start the increase on September 4, September  
2004. They expect

2 to increase from 218,950 without the increase to 466,778 with the  
increase. The

3 District is expected to have -- that should be a net income. Should  
have a net income

4 of 36,141.

5 They also have interlocal agreements in place with  
the cities

6 of Atoka, Covington, Munford, Brighton, and Mason. And they also  
have an

7 agreement with Tipton County.

8 As far as fiscal year 2009, they -- well, let me  
back up.

9 Fiscal year 2006, they projected an increase -- I mean, an  
additional increase of

10 258,500. And they project if they had -- if they didn't have the  
rate increase it would

11 be 219,218. And with the increase their revenue -- landline revenue  
would be

12 477,718. They expect to have a net loss of 28,463.

13 And they also project for the next two years to  
have a net

14 loss, especially in fiscal year of 2008, of 26,157. And fiscal year  
2009, they expect to

15 have a net income of \$17,072.

16 In the staff analysis projection, Table 6, using  
those same

17 customer lines, residential lines and business lines, I plugged in  
the numbers, and as

18 far as fiscal year 2004 -- or it should have been 2005, they have a  
net income of

19 56,054. And I would have to count a net loss all the way through  
fiscal year 2008 of

20 20,966.

21 And fiscal year 2009 is projected to have a net  
income of

22 \$22,283. Their net assets for 2009 is projected to be 515,679 with  
an ending cash

23 balance projected to be 562,598.

24 And that's all I have.

25 CHAIR PORTER: Questions of Don?

1 I didn't see the -- is there an agreement in here  
with the

2 County --

3 MR. JOHNSON: I've got it. They sent it in  
yesterday.

4 CHAIR PORTER: Okay. So they have sent it in.

5 MEMBER PURKEY: How much is the funding?

6 MR. JOHNSON: 30,000 per quarter.

7 MEMBER PURKEY: 30 per quarter.

8 MEMBER MOODY: I was just noticing, and if I might  
9 comment, in looking over on page -- on Table 5, the contributions  
from the from

10 primary governments, and I applaud you, Mike, that you've been able  
to show that

11 tremendous increase all along the way. And that's -- that's unusual,  
and you're to be

12 commended.

13 MEMBER PURKEY: Wanda, if you look at all the  
funding, I

14 mean, it amazing to me, it shows a level of cooperation that they're  
able to get.

15 There's funding from everybody. That's a credit to the district.

16 CHAIR PORTER: It sure is.

17 MEMBER MOODY: It's wonderful.

18 CHAIR PORTER: Other questions of Don?

19 Rex Holloway.

20 MR. HOLLOWAY: This is the back side of the --  
of what

21 used to be the Justice Center Complex in Tipton County just north of  
the business



22 district downtown. That -- it's another building now, but the 911 district and the

23 dispatch center take up a significant portion of the ground floor. And their entrance is

24 on the back side of the building.

25 As you-all just mentioned, they're funded by all the

1 municipalities of the county. They serve over 56,000 population.  
Thirteen full-time

2 employees including the 911 director. And three positions that are  
equipped. The

3 only thing they don't dispatch for are ambulance calls, they're set  
for the EMS for

4 dispatching. Otherwise they dispatch all -- they dispatch all fire,  
police, and sheriff's

5 department calls.

6 This is their dispatch center. It has a lot of  
room there. A

7 typical dispatcher center up at the top left. And then, of course,  
they're using the

8 traditional consoles as you see at the bottom left there for the  
dispatch positions.

9 And I think that Don may have alluded to this,  
some of the

10 equipment you see was being purchased or being installed -- was  
purchased prior to

11 what he's doing. The 911 controller is being replaced with the  
Zetron system and

12 that's being done or scheduled. Mapping and CAD are also ready for  
installation.

13 Radio consoles are not scheduled, I don't know what's going on with  
that.

14 They have an audio-log recorder that they've had  
for a

15 couple of years. And they also have a KDA generator for backup  
purposes.

16 And this is some of your equipment here. The  
generator on

17 the bottom left and their equipment room. And we'll talk about the  
equipment room

18 here in just a minute. It's very small.



1 room. And I think that's still in progress also.

2 MR. TAYLOR: That one picture you saw which was  
outside

3 front there, you saw some digging in the parking lot, that's where  
that room is going to

4 be placed.

5 CHAIR PORTER: You never can have one too big, can  
6 you?

7 MR. TAYLOR: No.

8 CHAIR PORTER: No matter how big it is you're  
going to fill

9 it up.

10 CHAIR PORTER: Questions of Rex?

11 MR. HOLLAWAY: The equipment is getting smaller.  
The

12 equipment is getting smaller but you still make bigger rooms.

13 CHAIR PORTER: Still making bigger rooms.

14 Okay, Mike, anything you or the County folks want  
to tell

15 us?

16 MR. TAYLOR: Hopefully everything in this book  
will answer

17 your questions. But if you have any we'll attempt to answer them.

18 CHAIR PORTER: Whoever put together that did a  
good job.

19 I'll have to say, there was some good information in there.

20 Questions of the Tipton County folks?

21 MEMBER PURKEY: It appears to me that they're  
doing

22 everything right.

23  
assist, the

MEMBER RICH: In your additional people you

24 car repo people and the funeral home, is that just when the car repo  
people call in

25 and tell you they've taken a car to keep it from being reported  
stolen?

1 MR. TAYLOR: That's right.

2 MEMBER RICH: And the funeral home, call the  
agency for

3 transports?

4 MR. TAYLOR: Whatever police agency.

5 MEMBER RICH: Okay.

6 MEMBER BILBREY: Let me ask you about, since you  
were

7 waiting for it awhile ago, about the audit --

8 MR. McDOW: Let me just say that every June  
meeting I

9 have asked my staff, is the budget right, do we need to amend the  
budget. The

10 answer's been yes. And to be honest with you, I hadn't notice that.

11 And here again, just the other day we had our  
meeting the

12 third week in June so that we can make sure we allocated enough  
money. And I think

13 we allocated -- or I brought out a fund box, another \$12,000 because  
we had an

14 unexpected expenditure. And the answer has been everything is okay,  
we're not

15 going to get hit on the audit.

16 MEMBER BILBREY: But there's some different  
problems

17 here that's pointed out.

18 The segregation of duties --

19 MR. McDOW: We've had that before. I would say,  
I've

20 been on the board since '91, I think, and I think the answer when we  
were a one-man

21 band, when we had one person part time, I think the answer was probably right. But I

22 believe we've solved that now because we have two people on the board --

23 MEMBER BILBREY: But 2003 it's still there. And it says

24 due to the small size, you know. And I guess my question is, is the auditor trying to

25 help you -- has it been taken care of now in 2004?

1 MR. McDOW: With the two people -- we have --  
I'm

2 district director and Miss Savard is the dispatcher administration  
director. So that's

3 separating out the duties, and that should handle that problem.

4 MEMBER BILBREY: And next year this shouldn't be  
there;

5 right?

6 MR. TAYLOR: Right. She was just hired in  
September of

7 this last year.

8 MEMBER BILBREY: So it should show up --

9 MR. TAYLOR: It will probably still show there but  
that's

10 going to be solved now.

11 MEMBER BILBREY: I mean, it should show up as  
being

12 solved.

13 The other question, let me ask you this, there was  
several

14 places down through here -- your answer was the "duly noted." What  
does that

15 mean?

16 MR. McDOW: The auditor gave us the information  
and we

17 would take action to correct it, whichever one it was.

18 MEMBER BILBREY: Yeah. It sounds like, though,  
when

19 you say, "duly noted," that you're right, that's absolutely correct.  
It doesn't say you're

20 going to do anything. But in this case, I guess, you did make the  
corrections and all



21 that and you agreed with the auditor and you did what he said?

22 MR. McDOW: That's right. Just take the one where  
he

23 states there we don't have an inventory. Okay. We have gone around  
--

24 MEMBER BILBREY: Well, it's on every one of them,  
the

25 "duly noted" is. Over-expenditure of budget, there again, that's  
what you were talking

1 about?

2 So I would hope, then, that in 2004 all of these  
have been

3 corrected, taken care of.

4 MR. McDOW: They should be corrected.

5 MEMBER PURKEY: Do you also have a secretary?

6 MR. McDOW: No.

7 MEMBER PURKEY: Where you can split those?

8 MR. McDOW: We're working -- as we get the new  
9 personnel, then we'll have a new position open. But that will also  
relieve us where

10 they can also catch a phone call for us, too.

11 MEMBER MOODY: Going back to the question that Mr.

12 Bilbrey asked a minute ago related to segregation of the duties. You  
say that you

13 have a new person that has come on.

14 I would assume that the auditor was referring --  
making this

15 statement here as it relates to accounting and writing of checks and  
taking receipt of

16 funds and that sort of thing, I assume that you and she have come up  
with a plan that

17 will show what your responsibility is and what hers is, and that you  
got kind of a

18 double checking on writing checks and that kind of thing?

19 MR. McDOW: Yes, ma'am. She may sign a check, but  
it

20 doesn't work until I sign that check.

21 MEMBER MOODY: Okay.

22 MR. TAYLOR: We've always been two signature  
checks.

23 Always.

24 MEMBER LOWERY: I think the problem with the

25 segregation of duties is whoever receives the money, any kind of  
money, cannot have

1 access to writing any kind of monies. Is that right, Charles?

2 MEMBER BILBREY: They just can't share their  
segregated

3 duties. All the way down it says there's an inadequate separation of  
duties between

4 the accounting, the treasury, and the custody functions. I think  
what this really

5 means, you've had one person doing everything, didn't you?

6 MR. TAYLOR: Right. But we only had one person.  
Now

7 we've got somebody --

8 MEMBER BILBREY: You've got somebody, the chairman  
of

9 the board or something, you know, to take over some of those  
functions.

10 CHAIR PORTER: It's kind of hard to segregate  
duties when

11 you've only got one.

12 MR. TAYLOR: That's it.

13 MR. McDOW: But now, hopefully, it's worked out  
with the

14 two people being able to handle this and one double checking back  
behind each

15 other.

16 MEMBER PURKEY: I guess the major goal, Charles,  
is to

17 always -- to not have accounts receivable and accounts payable  
handled by the same

18 individual. That's the big picture for segregation.

19 CHAIR PORTER: Any other questions?

20 Hearing none, folks, we appreciate you coming,  
taking your

21 time to come up.

22                                   The board will go into deliberations now and  
decide the fate

23 of the rate increase.

24                                   MR. McDOW: I'd like to say thank you to the  
staff, too. Me

25 calling Don, Judy calling Don, that's reason this was put together.

1 CHAIR PORTER: You did a good job. Appreciate it.

2 At this time any discussion, motions?

3 MEMBER MOODY: Mr. Chairman, I would move that  
this

4 rate increase be approved with the same contingencies that we have on  
all the others,

5 two years.

6 CHAIR PORTER: Do I have second?

7 MEMBER VICKERS: Second.

8 CHAIR PORTER: Motion by Ms. Moody, second by  
9 Mr. Vickers to approve the rate increase request and sunset it June  
30th, 2006.

10 MEMBER MOODY: I would like to, for the record,  
also

11 reflect that I think the show of cooperation among the different  
entities is certainly due

12 to the leadership and close working relationship with the board and  
the staff at the

13 ECD and make duly note of that.

14 CHAIR PORTER: When you get that many cities and  
15 county and everybody working together somebody is working behind the  
scenes to

16 make sure that stays good. I think we know who that is.

17 MR. TAYLOR: In all honesty it's like herding  
cats.

18 CHAIR PORTER: Discussion or questions?

19 Any discussion on the motion?

20 Here none, all in favor say "aye."

21 THE BOARD: Aye.

22 CHAIR PORTER: All opposed like sign.

23

Motion carries.

24  
everything works

Thank you, folks. Good luck. And I hope

25 out for you.

1                               The next item on the agenda, folks, is the  
approval of the

2   Cingular Phase II cost recovery. Remembering, folks, not to discuss  
numbers

3   amongst ourselves, they're confidential.

4                               Other than that, what's the will of the board?

5                               Anthony and I both have reviewed it. And the  
staff

6   recommends approval of it.

7                               MEMBER MOODY: If everything's in order,

8   Mr. Chairman, I move for approval.

9                               CHAIR PORTER: Do I have a second?

10                              MEMBER BILBREY: Second.

11                              CHAIR PORTER: A motion and a second we approve

12   Cingular's cost recovery. Discussion?

13                              Hearing none, all in favor say "aye."

14                              THE BOARD: Aye.

15                              CHAIR PORTER: All opposed like sign.

16                              The motion carriers.

17                              The next item is Giles County ECD to consider  
whether

18   they're financially distressed.

19                              MR. HAYNES: Mr. Chairman, there was some recent  
press

20   that we came across about the financial situation at the end of the  
budget year of

21   '03/'04 for Giles County of a shortfall. And it had made -- I think  
not only the local

22   newspaper but maybe another press outlet. And we had contacted Giles  
County,



23 number one, offering our assistance; number two, noting that the law had been

24 changed regarding financially distressed -- this past session of the legislature, it was

25 one of the things we worked with the comptroller's office on, was some broader

1 legislative changes that the comptroller is seeking -- and offered  
our assistance in any

2 way possible.

3 We have not, to my knowledge, Counsel, we have not  
heard

4 back from any representative of Giles County on this matter. And so  
I guess our

5 recommendation would be that the board direct the executive director  
to -- I'm sorry.

6 The staff is recommending that you-all request that the director  
and/or the chair of

7 Giles County attend the next board meeting, whenever that is  
scheduled, to discuss

8 their financial situation and to collectively determine if the board  
needs to take any

9 action, further action from that point.

10 CHAIR PORTER: You heard the staff's  
recommendation.

11 Do I here the motion?

12 MEMBER LOWERY: So moved.

13 CHAIR PORTER: Mr. Lowery makes a motion.

14 Do I have a second?

15 MEMBER VICKERS: Second.

16 CHAIR PORTER: Mr. Vickers. We request that Giles

17 County ECD chairman or director attend the next ECD board meeting  
which is set for

18 September the 10th, I believe is our next board meeting --

19 MR. HAYNES: Yes, sir.

20 CHAIR PORTER: Any discussion?

21 Hearing none, all in favor say "aye."

22 THE BOARD: Aye.

23 CHAIR PORTER: All opposed like sign.

24 Motion carries.

25 Next item is explore interest and options for a  
merger of

1 Perry and Hickman County ECDs.

2 MR. HAYNES: Yes. Mr. Chairman, this item is  
something

3 that staff has been discussing with both Perry and Hickman County ECD  
4 representatives. We have not spoken with the board members.

5 But before we went any further we wanted to  
discuss with

6 them any potential interest that the two ECDs would have for a  
merger. Noting that

7 the board's facilitation of merger currently in law is contingent --  
correct me if I'm

8 wrong, Counsel -- on one of the districts being financially  
distressed.

9 However, the reason this whole issue come about  
was that

10 some of the members, if you will recall, approximately a month ago in  
the Nashville

11 news media, both the TV and newsprint, it's well documented of the  
financial woes

12 that the County was having through the sheriff's budget to the sum of  
a little over

13 150,000 for the fiscal year, that there was the discussion of laying  
off all jailers and

14 deputies, to the point that their prisoners would have to be  
transported to neighboring

15 counties to assist. I think the Tennessee Highway Patrol, they had  
either been

16 dispatched or it had been discussed about helping out the law  
enforcement in Perry

17 County.

18 So when you start connecting the dots, the County  
-- we

19 figure that if the County is that close to being in financial  
straits, given that that Perry

20 County ECD also pays for the dispatching staffing cost of the 911 center, it wouldn't

21 be very long before this spilled right over to the lap of 911 and ultimately under the

22 authorities of the board.

23 So we have asked the two districts to work with us in a

24 voluntary capacity to see if there is some common sense and some fiscal reasons

25 why these two districts should look at merging, like Overton and Pickett.

2 what I want to do is meet with the two boards, respectively, and see  
if there's any

3 possibility there, not only, one, to see if the two districts could become less dependent

4 on appropriations from county governments that seem to be in trouble  
right now;

5 number two, to see if they could have a state of the art center other  
than what one or

6 two counties may have right now; and number three, to streamline some  
of the

7 districts to help, you know, overall better use of fiscal resources between the two

8 counties providing the same level of service without duplicating a lot of the extra cost.

9 So at this time, Mr. Chairman, basically, what the  
staff is

10 asking for is your authorization to contact these two counties to see  
if there might be a

11 potential merger in this.

12 CHAIR PORTER: You heard the request of staff.  
What's

13 the will of the board?

14 MEMBER RICH: So moved.

15 MEMBER BILBREY: Second.

16 CHAIR PORTER: A motion by Mr. Rich, a second by

17 Mr. Bilbrey that the staff move forward and continue to seek  
information for a merger

18 for Perry and Hickman County.

19 Any other discussion?

20                   Hearing none, all in favor say "aye."

21 THE BOARD: Aye.

22 CHAIR PORTER: All opposed?

23 Motion carries.

24 MEMBER MOODY: Mr. Chairman, a point of order.  
Shelby

25 Sheffield's term expired on this board, and I wonder if it would be  
appropriate for this

1 board to consider resolution thanking her for her participation and  
commending her

2 and good luck to you. And I would so move.

3 CHAIR PORTER: Do I have a second?

4 MEMBER PURKEY: Second.

5 CHAIR PORTER: A motion and a second.

6 Anthony, can we take care of that?

7 MR. HAYNES: Yes, sir.

8 CHAIR PORTER: Any discussion?

9 All in favor say "aye."

10 THE BOARD: Aye.

11 CHAIR PORTER: All opposed like sign.

12 Motion carries.

13 The only other item I have is the next meeting  
dates,

14 September 10th, 2004, 9:00 a.m., here. The next one is November the  
5th, 2004.

15 And then did we ever pass the January meeting, January 13th or the  
14th?

16 MR. HAYNES: No, sir.

17 MEMBER LOWERY: Is the 10th and 5th on Friday?  
I'd like

18 to get off that Friday schedule.

19 CHAIR PORTER: September 10th is a Friday, and  
20 November the 5th is a Friday. January -- oh, my calendar doesn't go  
to 2005.

21 MEMBER LOWERY: Is there any way to do that on  
22 Thursday instead of a Friday?

23 MEMBER MOODY: The 13th is on Thursday.



24 CHAIR PORTER: The 13th is on a Thursday, Ike, so  
we're

25 headed back around. The problem is getting this room, it's very  
difficult sometimes.



22 All in favor say "aye."

23 THE BOARD: Aye.

24 CHAIR PORTER: The meeting is adjourned.

25 (End of proceedings.)

1 ERRATA PAGE

2 Page/Line Change

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20 I, \_\_\_\_\_, have read the foregoing  
transcript

21 and hereby affix my signature that same is true and correct, except as  
noted above.

22

23

24



1 REPORTER'S CERTIFICATE

2

3 STATE OF TENNESSEE )

COUNTY OF SUMNER )

4

5 I, Denise Harwood-Stacy, court reporter and notary  
public in and

6 for the State of Tennessee at Large,

7 DO HEREBY CERTIFY that the foregoing transcript of the

8 proceedings were taken on the date and place set forth in the caption  
thereof; that the

9 proceedings were stenographically reported by me in shorthand; and  
the foregoing

10 proceedings constitute a true and correct transcript of said  
proceedings to the best of

11 my ability.

12 I FURTHER CERTIFY that I am not related to any of the  
parties

13 named herein, nor their counsel, and have no interest, financial or  
otherwise, in the

14 outcome or events of this action.

15 IN WITNESS WHEREOF, I have hereunto affixed my official

16 signature and seal of office this the 19th day of August, 2004.

17

18

19

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Public

Denise Harwood-Stacy, Notary

20

State of Tennessee at Large

21

22 My Commission Expires: March 3rd, 2007.

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